

411.01	Introduction
411.02	Document Standards
411.03	Classification (CE, EA or EIS)
411.04	Documents and Procedures for Class II (CE) Projects
411.05	Documents and Procedures for Class III (EA and Checklist) Projects
411.06	Documents and Procedures for Class I (EIS) Projects
411.07	Procedures for a Joint NEPA/SEPA EIS
411.08	Procedures for a SEPA-only EIS
411.09	Preparation of an EIS
411.10	Discipline Reports
411.11	WSDOT Internal Documents
411.12	Section 4(f) and Section 106 Documents and Procedures
411.13	Re-Evaluations and Supplemental Documents
411.14	Exhibits

**Key to Icons**

Web site.\*



Interagency agreement.

**411.01 Introduction**

This chapter describes the environmental documentation requirements during the Design and Environmental Review phase of the WSDOT Transportation Decision-Making Process. Detailed guidance is given for the major steps in the environmental review process. The chapter focuses on documentation and procedural requirements:

- Standards applicable to all environmental documents.
- Documents and procedures required for three classes of projects: those Categorically Exempt or Excluded from environmental requirements (CE), those requiring an Environmental Assessment (EA) or Checklist, and those requiring an Environmental Impact Statement (EIS).
- Specific guidance for NEPA/SEPA EISs and for SEPA-only EISs.
- Preparation of EIS document
- Guidance for Section 4(f), Section 106 evaluations, reevaluations and supplementary documents.

NEPA/SEPA legislation and implementing regulations require implementation and monitoring of mitigation measures to reduce or eliminate adverse environmental impacts associated with a planned action. For WSDOT procedures on tracking and implementing environmental commitments during Design and Environmental Review, see **Chapter 490**.

---

\* Web sites and navigation referenced in this chapter are subject to change. For the most current links, please refer to the online version of the EPM, available through the ESO home page: <http://www.wsdot.wa.gov/environment/>

Overall FHWA guidance on NEPA documentation requirements are online at FHWA's web site:

 <http://www.fhwa.dot.gov/>

Click on FHWA Programs, then Environment, then NEPA: Project Development Process, then Documentation.

Or by direct link:

 <http://www.fhwa.dot.gov/environment/nepa/document.htm>

(1) **Abbreviations and Acronyms**

Abbreviations and acronyms used in this chapter are listed in [Section 410.01](#). Others are found in the general list in [Appendix A](#).

(2) **Glossary**

For a glossary of terms used in this chapter, see [Section 410.01](#). See [Appendix B](#) for a general glossary of terms used in the EPM.

## 411.02 Document Standards

This section contains standards for documents prepared during the environmental analysis and review process

(1) **Reader-Friendly Document Tool Kit**

WSDOT has prepared the *Reader-Friendly Tool Kit* as a guide for EIS/EA and discipline report managers, coordinators, and writers to make environmental documents easier for the public to read and understand. The kit includes specific tools for developing EISs, EAs, and discipline reports. The tool kit is available [online, along with examples of reader-friendly documents, at:](#)

 <http://www.wsdot.wa.gov/environment/compliance/ReaderFriendly.htm>

It is expected that by July 1, 2005 projects will implement the basic concepts of the Reader-Friendly Tool Kit and by January 1, 2006 all WSDOT EISs and EAs will use the reader-friendly document template, with few exceptions to be determined on a case-by-case basis after consulting with the Environmental Services Office. Please see the tool kit at the on-line address above for more specific information.

The WSDOT Environmental Services Office Compliance Branch can provide examples of good quality formatted environmental impact statements, environmental assessments and other environmental documents to assist projects as a point of reference. For additional information please contact Phil KauzLoric in the Compliance Branch at [kauzlop@wsdot.wa.gov](mailto:kauzlop@wsdot.wa.gov) or at 360-705-7486 or Ernest Combs at [CombsE@wsdot.wa.gov](mailto:CombsE@wsdot.wa.gov) or at 360-705-7498.

(2) **Level of Detail**

EISs should be as concise as possible. Both NEPA and SEPA suggest page limits. For a NEPA EIS, the main body of text for average proposals should not exceed 150 pages. A NEPA EIS of unusual scope or complexity should not exceed 300 pages (40 CFR 1502.7). SEPA EISs should not exceed 75 pages, unless unusually complex and then no more than 150 pages (WAC 197-11-415).

The level of detail provided for each element of the environment analyzed should be commensurate with the significance of its potential impact.

Impacts and alternatives should be discussed only to the level of detail appropriate to the level of planning for the proposal. The EIS discussion of alternatives should be limited to a general discussion of the impacts of the alternative proposals including any required mitigation. Under SEPA, sufficient information is needed to make a reasoned choice among alternatives. If there is insufficient information available, a worst case scenario may be required (WAC 197-11-080). The level of effort is also dictated by the amount of project design effort required to determine the footprint of the proposal. This allows the type, size, and location of the facility to be identified, which in turn allows the analysis of the impacts. Impacts can usually be properly assessed when design is 15 to 30 percent complete.

For a draft EIS, all reasonable alternatives under consideration (including no-build) need to be developed to a comparable level of detail in the draft EIS so their comparative merits may be evaluated (40 CFR 1502.14(b) and (d)).

An exception to the comparable level of detail is described in *FHWA Technical Advisory T 6640.8A* (October 30, 1987), Section V, Part E. Alternatives: “Development of more detailed design for some aspects (e.g., Section 4(f), COE or CG permits, noise, wetlands) of one or more alternatives may be necessary during preparation of the draft and final EIS to evaluate impacts or mitigation measures or to address issues raised by other agencies or the public.”

### **(3) Using Existing Documents**

NEPA CEQ regulations and SEPA rules allow the use of existing documents to reduce duplication and unnecessary paperwork. If an analysis has already been done for the proposed project or a similar project, it does not need to be duplicated. Existing documents can be used in any of the following ways:

- Adoption (CEQ 40 CFR 1506.3, and WAC 197-11-630). See [Section 411.05\(5\)](#).
- Addendum (CEQ 40 CFR 1502.9, and WAC 197-11-625).
- Incorporation by reference (CEQ 40 CFR 1502.21, and WAC 197-11-635).
- Supplemental EIS (CEQ 40 CFR 1502.9, and WAC 197-11-620). See [Section 411.13](#).

### **(4) Additional EIS Format Information**

FHWA guidelines describe three options for preparing a NEPA Final EIS: traditional, condensed, and abbreviated. See FHWA Technical Advisory T 6640.8A, online at:

 <http://www.fhwa.dot.gov/>

Click on Legislation and Regulations, then FHWA Directives and Policy Memorandums, then FHWA Technical Advisories, then T6640.8A.

Or by direct link:

 <http://www.fhwa.dot.gov/legsregs/directives/techadvs/t664008a.htm>

Ecology's technical assistance on SEPA EIS guidelines describe format (WAC 197-11-430), content (WAC 197-11-440), differing formats (WAC 197-11-560), and non-project proposals (WAC 197-11-442 and 197-11-443) within the Ecology's SEPA Rules section. The information is online at Ecology's web site:

 <http://www.ecy.wa.gov/>

Click on Services, then SEPA/Environmental Review.

Or by direct link:

 <http://www.ecy.wa.gov/programs/sea/sepa/lawandrule.html>

For detailed guidance, see the 2003 *SEPA Handbook*, on-line at:

 <http://www.ecy.wa.gov/programs/sea/sepa/handbk.htm>


**(5) Tri-Message Page**

On the back of the title page, three standard messages should be displayed:

- Information access for people with disabilities (ADA requirement).
- Assurance of compliance with the Civil Rights Act, Title VI.
- Note on units of measurement (English or metric) – now optional since metric units are no longer required by FHWA.

**(a) Information Access for Persons with Disabilities**

Below is a notice that is to be included in all environmental documents distributed to the public. This notice should be on a separate page, immediately following the title page of the EIS or EA, and in larger type than the rest of the document. Refer to the "Tri-Message Page" on the EA outline, **Exhibit 411-3**, page 2.



Persons with disabilities may request this information be prepared and supplied in alternate forms by calling the WSDOT ADA Accommodation Hotline collect 206-389-2839. Persons with vision or hearing impairments may access the WA State Telecommunications Relay Service at TT 1-800-833-6388, Tele-Braille 1-800-833-6385, or Voice 1-800-833-6384, and ask to be connected to 360-705-7097.

For general information, this ADA message pertains to advertising a public meeting or written material such as a newsletter: "The site is accessible to persons with disabilities. Individuals requiring reasonable accommodation may request written materials in alternative formats, sign language interpreters, physical accessibility accommodations, or other reasonable accommodation by calling [add name of an optional Region contact for a local presence] (collect) at (\_\_\_\_) \_\_\_\_-\_\_\_\_ or the WSDOT ADA Accommodation Hotline (collect) at 360-664-9009. Persons with hearing impairments may access Washington State Telecommunications Relay Service (TTY) at 1-800-833-6388, Tele-Braille at 1-800-833-6385, or Voice at 1-800-833-6384, and ask to be connected to 360-705-7097."

**(b) Civil Rights Assurance**

Include the following statement: “Washington State Department of Transportation (WSDOT) hereby gives public notice that it is the policy of the department to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898, and the related statutes and regulations in all programs and activities. Title VI requires that no person in the United States of America shall, on the grounds of race, color, sex, national origin, or low income, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which WSDOT receives federal financial assistance.”

**(c) Metric Measurement Units**

WSDOT’s current policy is to require only English units of measurement. FHWA no longer requires use of metric units for environmental documents such as ECSs, CEs, EAs, EISs, and Section 4(f) Evaluations published under FHWA rules.

Since federal and state permitting agencies are not accustomed to working in metric units, all permit drawings should be submitted in English units with no reference to metric equivalence. National Oceanic and Atmospheric Administration Fisheries apparently accepts either metric or English units for Biological Assessments.

ASTM E 380-92 is recommended as a source of information on metric conversion. When both measures are used, the metric unit should come first, followed by the English unit in parenthesis; for example: “The HOV lane is separated from adjacent lanes by a designated buffer width of 0.6 to 1.2 m (2 to 4 ft).”

**(6) Availability and Cost of Environmental Documents**

The lead agency shall retain NEPA documents and make them available to the public in accordance with 23 CFR 771.119(e) and (f), 23 CFR 771.123(g), and 23 CFR 771.125(g). Normally, copies are furnished free of charge. However, with FHWA concurrence, parties requesting an EIS may be charged a fee not to exceed the actual cost of reproducing the document.

The lead agency shall retain SEPA documents and make them available in accordance with RCW 42.17, charging only those costs allowed plus mailing costs. However, no charge shall be levied for circulation of documents to other agencies. Agencies are encouraged to waive the charge of an environmental document requested by a public interest organization (WAC 197-11-504).

WSDOT practice is that copies of all environmental documents are distributed during the initial circulation free of charge. Requests for documents received after the initial circulation, or for additional copies of a document, may be subject to a fee not to exceed the actual cost of reproducing the document.

If a fee is charged for a document, the document should include the following statement: “The cost of this document is \$\_\_\_\_, which does not exceed the cost of printing.”

The document should include a statement that “This document is available for public review at the following locations...” such as WSDOT Regional Office, Ecology, Office of Community Development, FHWA or other federal agency offices, public libraries, and city or county government offices.

Preliminary environmental documents are not subject to Freedom of Information Act requirements for public disclosure. For preliminary review, a DEIS or FEIS is distributed for agency review prior to release of the DEIS or FEIS to the public. Pursuant to FHWA legal guidance, the following language should be added to the outside cover of a preliminary Draft EIS or preliminary EIS circulated for agency review:

“WSDOT and FHWA [co-lead agencies] have determined that the review comments on this preliminary document are an intergovernmental exchange that may be withheld under the freedom of information act request. Premature release of this material to any segment of the public could give some sectors an unfair advantage and would have a ‘chilling effect’ on intergovernmental coordination and the success of the cooperating agency concept. For these reasons, we respectfully request that the public not be given access to this document.”

**(7) Use of Consultant Logo**

Neither WSDOT nor FHWA advertises or endorses any particular consultant firm. In general, consultant logos on documents are acceptable only when the product is the intellectual property of the consultant or the consultant is liable for the contents.

A consultant logo is not displayed on:

- Promotional material for an open house or other WSDOT event (e.g., pamphlets, displays, newsletter, flyers, ads).
- Studies (e.g., route development or corridor feasibility studies) which compile different discipline studies to reflect a WSDOT position on an issue.
- Environmental documents (such as an EIS, EA, or Documented CE). These documents typically contain a compilation of discipline study results that may be extracted and displayed out of context. Without the logo, the consultant is released from liability for the environmental document.

A consultant logo can be displayed on the types of documents described below.

**(a) Discipline Reports**

The consultant is liable for the contents of the product. It is inappropriate for WSDOT to change the report. WSDOT provides written comments on drafts for the consultant to address. If WSDOT staff disagree with the report and modify it, the consultant logo should come off and WSDOT logo added. The following text is included in the title page: “Prepared for the Washington State Department of Transportation.”

**(b) Environmental Documents**

Consultant logos/names are appropriate in two places in WSDOT environmental documents:

- In an appendix titled “Discipline Studies Prepared By.” Reference is made to the consulting firm and the individual responsible for

preparing the work. In the same appendix, WSDOT and FHWA staff are identified, either as “Prepared By” or “Guidance and Review By.”

- On a SEPA fact sheet included in a combined NEPA/SEPA EIS. The SEPA fact sheet appears in the front of the EIS, just behind the NEPA title/signature sheet and the page containing the “alternate format,” “Title VI,” and “Metric” messages. The SEPA fact sheet contains an entry for “prepared by.” The name of the consultant firm appears there.

### 411.03 Classification (CE, EA or EIS)

Projects are classified for environmental review purposes during Project Scoping. This process is documented using WSDOT’s Environmental Review Summary. [Section 310.07](#) contains a detailed description of the classification system and examples of projects falling into each class. Briefly, Class I projects require an EIS; Class II projects are Categorical Excluded or Exempt (CE) from NEPA/SEPA requirements; and Class III projects require an Environmental Assessment (EA) or a SEPA Threshold Determination (DS, DNS, or Mitigated DNS) and accompanying Environmental Checklist to determine whether significant impacts are likely (23 CFR 771.115).

[Exhibit 411-1](#) illustrates the review process for Class I, II, and III projects. Critical path timelines for preliminary engineering of hypothetical Class I, II, and III projects are online via the ESO web site.

### 411.04 Documents and Procedures for Class II (CE) Projects

Actions that do not individually or cumulatively have a significant environmental effect, as defined in NEPA/SEPA regulations, are excluded from requirements to prepare an EA or EIS. Such projects are classified as Categorical Exclusions (NEPA) and Categorical Exemptions (SEPA). Some projects are excluded from NEPA review, but still require SEPA review (e.g., any state or local action may require SEPA review, WAC 197-11-660). Similarly, some projects categorically exempt with respect to SEPA may require additional documentation in the NEPA process. See [Exhibit 411-1\(a\)](#) for the NEPA Class II process flow chart. Critical path timelines for preliminary engineering on a hypothetical Class II CE project and a hypothetical Class II DCE project are online via the ESO Compliance Branch web site:



<http://www.wsdot.wa.gov/environment/compliance>

Projects that qualify as categorical exclusions under NEPA are listed in FHWA rules (23 CFR 771.117). Projects that qualify as categorically exempt under SEPA are listed in WAC 197-11-800 through 880. WSDOT, as SEPA lead agency, has another list of SEPA-exempt projects in WAC 468-12-800 and WAC 468-12-880.

WSDOT has an implementing agreement (June, 1996) with the Washington State Department of Ecology (Ecology) covering adoption of documented Categorical Exclusions. See [Section 310.07](#); the agreement is online via ESO’s Compliance Branch web site:



<http://www.wsdot.wa.gov/environment/compliance/agreements.htm>

**(1) Required Documentation**

**(a) NEPA CE or Documented CE**

Projects meeting the CEQ and FHWA criteria for Categorical Exclusions (CEs) are listed in FHWA regulations (23 CFR 771.117 (c)). The Programmatic Categorical Exclusion Approvals Memorandum of Understanding (MOU) between FHWA and WSDOT (May 25, 1999) identifies projects that are categorically excluded under certain conditions and do not require further approval by FHWA or further federal environmental documentation. See [Section 310.07](#); the agreement is online via ESO's Compliance Branch web site:

 <http://www.wsdot.wa.gov/environment/compliance/agreements.htm>

Other actions, such as those listed in 23 CFR 771.117 (d), may be classified as Documented CEs upon FHWA approval of the Environmental Classification Summary (ECS) as described in [Section 310.05](#). An action that would normally be classified as a CE may be classified as a DCE if any of the following unusual circumstances apply:

- Any federal lands are affected or impacted.
- A federal Corps of Engineers Section 10 or Section 404 (Nationwide or Individual) permit is required.
- Substantial or uncertain impact may occur on properties protected by Section 4(f) of the DOT Act or Section 106 of the National Historic Preservation Act. In such cases a separate Section 4(f), Section 106 evaluation, or Cultural Resource Survey and accompanying State Historic Preservation Officer (SHPO) concurrence is required. See [Section 411.12](#), [Section 455.05](#), and [Section 456.05](#).
- Possible impact on habitat or species protected under the Endangered Species Act (ESA). Supporting documentation is submitted to FHWA with the ECS form.

Although most project design is approved by the "Certified Acceptance" authority delegated to the Regions by FHWA, specialty areas of expertise still currently require approval from WSDOT Headquarters in specific cases, such as construction improvements proposed for the Interstate system, landscape plans, and certain hydraulic reports and studies.

A project that is classified as a NEPA CE must still satisfy SEPA requirements if state funds are being used.

**(b) SEPA CE**

A project is considered a Categorical Exemption (CE) when it meets the requirements of WAC 197-11-305, WAC 197-11-800, WAC 197-11-860, WAC 468-12-800, or WAC 468-12-880). The Environmental Review Summary (ERS) identifying the project as a SEPA CE is the only environmental documentation necessary.

**(2) Public Notice**

There are no public notice requirements for CEs. However, most projects classified as categorically excluded under NEPA will need to be examined to



determine if they are also exempt under SEPA. If not exempt under SEPA, the project will often require the distribution of a threshold determination (DS or DNS) and Environmental Checklist, associated public comment period, and Public Notice published in an area newspaper serving as typical public involvement. A typical impact associated with a routine excluded and/or exempt project could include a short-term delay or nuisance during construction. The main goal is to inform the public when the work will occur and how to avoid problems.

News releases and other appropriate public contact should begin shortly before construction. These communications should continue as needed during the construction period. See also [Section 410.06](#).

## **411.05 Documents and Procedures for Class III (EA and Checklist) Projects**

All EA documentation must comply with the requirements of NEPA and implementing regulations (CEQ 40 CFR 1501-1508 and FHWA 23 CFR 771.119-121).

Other environmental documentation, such as issuance of a threshold determination (DS, DNS, or Mitigated DNS) and accompanying Environmental Checklist, follows SEPA Rules as the controlling authority (WAC 197-11-315 *et seq.*). See [Exhibit 411-1\(a\)](#) for the NEPA Class III process flow chart. A critical path timeline for preliminary engineering on a hypothetical Class III (EA) project is online via the ESO Compliance Branch web site:



<http://www.wsdot.wa.gov/environment/compliance>

### **(1) Overview**

#### **(a) NEPA EA and Section 4(f) Evaluation**

Any WSDOT project that involves federal funding, federal lands, or federal permits must comply with NEPA procedures. These are listed below and described in detail in this section:

- Hold partner confirmation meeting (see [Section 410.05\(9\)](#)).
- Prepare the Environmental Assessment (EA) and Section 4(f) Evaluation if required (see [Section 411.12](#) and [Section 455.05](#)).
- Publish a notice of availability and/or public hearing notice.
- Review and respond to comments and incorporate into Finding of No Significant Impact (FONSI). The FONSI includes the Final 4(f) Evaluation, unless there is a programmatic 4(f); then a final 4(f) is not required.
- Submit to FHWA with request for a Finding of No Significant Impact.
- Notify agencies that FONSI is available.

**(b) SEPA Threshold Determination/Environmental Checklist**

For projects using state funds but no federal funds, where minor environmental impacts are anticipated, SEPA requires distribution of the threshold determination and accompanying Environmental Checklist. There is no direct SEPA equivalent of the NEPA EA.

If the project is not categorically exempt as defined in WAC 197-11-800, the Regional Office:

- Prepares the SEPA Environmental Checklist and threshold determination (DNS, or mitigated DNS).
- Obtains the signature of the Regional Administrator or designee.
- Submits a copy to Ecology for listing in the SEPA register, and to agencies with jurisdiction, affected tribes, and others listed in WAC 197-11-340(2)(b).

If public comment is required under WAC 197-11-340(2)(a) (e.g., approvals are needed from other agencies with jurisdiction), the Region:

- Prepares the checklist and threshold determination (DNS, or mitigated DNS).
- Obtains the signature of the Regional Administrator or designee.
- Circulates for a 14-day review and comment period in accordance with WAC 197-11-340(2)(b) or WAC 468-12-510(a).

The Region then evaluates comments and proceeds to:

- Confirm the validity of the DNS; or
- Prepare a revised DNS and revised checklist and recirculate in accordance with WAC 197-11-340(2)(f); or
- Withdraw the DNS in accordance with WAC 197-11-340, prepare a Determination of Significance (DS), and proceed with an EIS.

**(2) NEPA Preliminary Environmental Assessment (EA) and FHWA Section 4(f) Evaluation**

The Region prepares a preliminary EA as shown in [Exhibit 411-3](#). Include an area map, vicinity map, site plan, photogrammetric maps (to depict the environmental setting), summaries of discipline reports, and any agency coordination letters such as endangered species listings, prime and unique farmland determinations, Section 106 tribal consultation, and archaeological/historic reports. If the project involves Section 4(f) lands, a separate evaluation is required and is included as a separate section in the EA. See [Section 411.12](#) and [Section 455.05](#) for details.

**(a) Federal Agency Review**

The preliminary EA and Section 4(f) evaluation are submitted to the federal lead agency for review and comment. If the reviewers determine that the proposal may have significant environmental impacts, the proposal is reevaluated to determine whether the significant impacts can be appropriately mitigated or eliminated. If the impacts cannot be eliminated, an EIS is required. If no significant impacts are found, the Regional Office

makes any needed revisions and requests federal lead agency concurrence to publish a notice announcing the public availability of the EA.

**(b) Public Review and Comment**

The public review and comment period for an EA is a minimum of 30 days. If a Section 4(f) evaluation is included, a minimum of 45 days is required. Since the comment period (for scoping and hearings) remains open under NEPA until the FONSI or ROD is issued by the federal agency, it is WSDOT practice to use the term “comments are requested by (fill in date)” in advertisements and notices to ensure timely receipt of comments for meaningful consideration. After that date expires, WSDOT has the option to extend the comment period if requested by the public or another agency, and it is judged reasonable for meaningful submittal of project comments. Following notification only to the requesting party, no further public advertisement of the comment period extension is required.

WSDOT practice is to advertise the availability of the EA and the public hearing, though there is no requirement to hold a hearing for EA documents. The document must be made available for public inspection at the Regional Office of WSDOT and the office of FHWA or other federal lead agency.

**(1) Notice of Availability**

The Region publishes a notice in the newspaper of general circulation in the area where the project is located (WAC 468-12-510(1)(b)(i)). The notice, similar to a public hearing notice, advises the public that the EA is available for review and comment and where the document may be obtained. It should briefly describe the proposed action and impacts identified in the assessment.

The notice of the EA’s availability must be sent to affected units of federal, state, tribal, and local government. The notice must also be sent to the SEPA Coordinator at Ecology, who serves as the state intergovernmental review contact, and the Washington State Department of Community, Trade and Economic Development (CTED).

**(2) Public Hearing**

Public hearings are not required for Class II projects, but may be requested by an agency or organization. If a request for a hearing can be anticipated, it is best to plan ahead rather than wait until the end of the comment period to start preparing for the hearing.

EAs normally have less potential for environmental impacts and public controversy and, consequently, less potential for public hearings. The public hearing notice requirements follow the format and time schedule outlines in WSDOT’s *Design Manual*, Section 220.04(9) and WAC 468-12-510. The notice of the public hearing published in local newspapers announces the availability of the EA and where it can be obtained or reviewed.

### (3) *EA Document Distribution*

The EA is distributed to the Ecology SEPA Coordinator, any federal, state, or local agency or tribe known to have interest or special expertise in the areas addressed in the EA or that may be significantly affected. For example, if Section 4(f) property is involved, the document is sent to the Department of the Interior and to the agency with jurisdiction over the property. The U.S. Fish and Wildlife Service and National Oceanic and Atmospheric Administration Fisheries should be included in the distribution for projects that may affect wetlands or endangered species. If an individual Section 10 or Section 404 permit (Corps of Engineers) or Section 9 (Coast Guard) permit is required, a copy of the EA should be sent to the agency. (See [Section 520.02](#), [Section 520.03](#), and [Section 520.04](#) for permit information.)

Contact the “NEPA Contact” in the Environmental Services Compliance Branch for assistance in preparing an EA distribution list. See [Exhibit 411-2](#) for NEPA contact information. See also FHWA’s Technical Advisory T 6640.8A, online via FHWA’s home page:

 <http://www.fhwa.dot.gov/>

Click on Legislation and Regulations, then FHWA Directives and Policy Memorandums, then FHWA Technical Advisories, then T6640.8A.

Or by direct link:

 <http://www.fhwa.dot.gov/legregs/directives/techadvs/t664008a.htm>

### (3) *Revised Environmental Assessment or Errata and Final Section 4(f) Evaluation*

At the conclusion of the public review period, the Region evaluates all comments received, including comments from public hearings, meetings, and open houses. The Region responds to the comments and writes errata or revises the document as necessary. The Region Environmental Office or Headquarters Environmental Services Office reviews Finding of No Significant Impact (FONSI) package which includes the revised EA, and the WSDOT Director of Environmental Services signs the title page. WSDOT’s mandatory protocol for approval of environmental documentation includes steps for obtaining approval, and procedures for pre-briefing and formal signature briefing. ESO Compliance Branch staff is available to assist in completing the approval process. The protocol is in [Exhibit 411-2](#).

The Region may choose to issue an erratum as part of the FONSI, referencing minor changes in the EA.

For controversial projects, the FHWA may offer an informal legal review.

After the federal agency issues the FONSI, the signed FONSI is returned to the Region who forwards a copy to HQ ESO. The Regional Environmental Office notifies the WSDOT Environmental Services Compliance Branch via a letter that a FONSI is available from WSDOT or the federal lead agency.

If the public review reveals significant impacts (or controversy), the federal agency may determine that an EIS is necessary. See [Section 411.06](#).

**(4) Issue Finding of No Significant Impact (FONSI) (NEPA)**

**(a) Contents**

Typical contents of a FONSI include:

- Cover (include Summary Statement of No Significant Impacts)
- Title Sheet (use EIS format in WSDOT Format Manual)
- Description of Proposed Action (recap from the EA)
- EA Coordination and Comments (list EA issue date, hearing date, and summary of comments)
- Supportive Environmental Findings
  - Farmland Finding
  - Wetland Finding
  - Environmental Justice (Minority Populations and Low-Income Populations)
- Attachments (indicate that the EA and EA/design hearing transcript are incorporated by reference into this FONSI. Indicate where copies of both documents can be obtained).
  - Errata to EA and Hearing Transcript
  - Notice of Availability of FONSI and Notice of Adoption of EA under SEPA with Publication Listing (text of notice and newspaper listing for notice)
  - FONSI distribution list
  - Mitigation commitment list
  - Written comments with responses
  - Hearing comments with responses

For guidance on the form and process for a NEPA FONSI, see FHWA Technical Advisory T 6640.08A, on line at FHWA's home page:

 <http://www.fhwa.dot.gov/>

Click on Legislation and Regulations, then FHWA Directives and Policy Memorandums, then FHWA Technical Advisories, then T6640.8A.

Or by direct link:

 <http://www.fhwa.dot.gov/legsregs/directives/techadv/t664008a.htm>

**(b) FONSI Distribution**

Federal regulations do not require formal distribution of a FONSI. Agencies must send a notice of the FONSI's availability to federal, state, and local government agencies likely to have an interest in the project. However, WSDOT practice is to circulate the FONSI in the same manner as EAs and EISs. This distribution normally includes, but is not limited to:

- Any federal agency that has jurisdiction by law or special expertise in any environmental impact involved.
- Any appropriate federal, state, or local agency authorized to develop and enforce environmental standards.
- Any affected tribe.

- Any person, organization, or agency that requests a copy of the document.
- Public officials, private interest groups, and members of the public having or expressing an interest in the proposed project, for example by submitting a comment on the EA.

Technical Advisory T 6640.8A encourages the lead agency to inform commenting agencies (or those requesting to be informed) of the status of the project and the disposition of their comments, and to provide them with a copy of the FONSI. Contact the “NEPA Contact” in the Environmental Services Compliance Branch for assistance in preparing a FONSI distribution list. See [Exhibit 411-2](#) for NEPA contact information.

**(5) *Environmental Checklist/DNS (SEPA)***

When the responsible official of the lead agency determines that the project will have no significant impacts, or that mitigation measures will reduce significant impacts to nonsignificance, a Determination of Nonsignificance (DNS) or a Mitigated Determination of Nonsignificance (MDNS) is issued.

**(a) *Adoption of NEPA EA Under SEPA Rules***

Under WAC 197-11-610, an agency may adopt a NEPA Environmental Assessment to satisfy requirements for a Determination of Non-Significance or (SEPA) EIS, if the requirements of WAC 197-11-600 and WAC 197-11-630 are met, using the adoption form in WAC 197-11-965. See Ecology’s *SEPA Handbook* and [Exhibit 411-4](#). The adopting agency shall ensure that the adopted document is readily available to agencies and the public by:

- Sending a copy to agencies with jurisdiction, and
- Placing copies in libraries and other public offices, or distributing copies to those who request one.

**(b) *Additional Environmental Documentation***

If environmental documentation is needed to support the DNS, such as a preservation of farmlands determination, historical or cultural resource surveys, wetland reports, shoreline analyses, critical area analyses, or floodplain evaluations, the Region requests the preparation of discipline reports and coordinates the processing of the reports to the appropriate agencies. The environmental documentation needed to support the DNS must be prepared before the DNS is issued.

**(c) *Public Review and Comment***

Other agencies and the public are given an opportunity to comment through the public notice process. A comment period is not always required for a DNS. Criteria for determining when a comment period is required is stated in WAC 197-11-340(2)a. WSDOT’s public notice procedures, described in WAC 468-12-510, include:

- Publishing a notice in a newspaper of general circulation in the area where the project is located (WAC 197-11-510(1)(b) and

WAC 468-12-510(1)(a)(i)). See [Exhibit 411-5](#) for a DNS and public notice.

- Sending a copy of the checklist and DNS to any agency, organization, or member of the public requesting information, in writing, concerning the project (WAC 468-12-510 (1)(a)(ii)).
- Posting the property (an option under SEPA rules).

The environmental checklist and DNS or MDNS are also sent for comment to any local agency or political subdivision that may be affected by the project. Agencies with jurisdiction, Ecology headquarters and regional office, and any affected tribes also receive a copy of the checklist/DNS (or MDNS) for comment (WAC 197-11-508(1)(a)). Contact the “NEPA Contact” in the Environmental Services Compliance Branch for assistance in preparing a DNS distribution list. See [Exhibit 411-2](#) for NEPA contact information.

## **411.06 Documents and Procedures for Class I (EIS) Projects**

For projects requiring federal funds or federal permits, all EIS documentation must comply with the requirements of NEPA and implementing regulations (CEQ 40 CFR 1501-1508 and FHWA 23 CFR 771.123-125), as well as the new coordination and public input process for developing NEPA EISs established in Section 6002 of the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

Other EIS documentation uses the SEPA Rules as the controlling authority (WAC 197-11 Part 4). There is no guarantee that a NEPA EIS will meet SEPA requirements. The lead agency must independently evaluate the NEPA document to ensure adequate compliance with SEPA before deciding whether to adopt the EIS. See [Section 411.07](#) for detailed procedures for joint NEPA/SEPA EISs and [Section 411.08](#) for SEPA-only EISs.

On projects where one or more federal agencies have funding or permitting responsibility, one or more federal agencies are the lead agencies (typically FHWA for WSDOT highway projects). Other federal agencies may be involved as cooperating agencies. Projects jointly developed with a federal agency are prepared to comply with that agency’s regulations and guidelines. For combined NEPA/SEPA EIS documents, a SEPA lead agency will also be designated.

See [Exhibit 411-1\(c\)](#) for the NEPA Class I process flow chart. A critical path timeline for preliminary engineering on a hypothetical Class I (EIS) project is online via the ESO Compliance Branch web site:

 <http://www.wsdot.wa.gov/environment/compliance>

For further guidance on preparing NEPA EISs, see the FHWA Technical Advisory T 6640.8A online at:

 <http://www.fhwa.dot.gov/>

Click on Legislation and Regulations, then FHWA Directives and Policy Memorandum EISs, then FHWA Technical Advisories, then T6640.8A.

Or by direct link:



 <http://www.fhwa.dot.gov/legregs/directives/techadv/t664008a.htm>

For guidance on preparing SEPA EISs, see the SEPA Rules (WAC 197-11, Sections 360, 400 through 460, 560, 600 and 980). These rules and Ecology's SEPA Handbook are online at:

 <http://www.ecy.wa.gov/programs/sea/sepa/e-review.html>

### **(1) NEPA Overview**

A WSDOT project that anticipates substantial environmental, social, or economic impacts, and involves federal funding, federal lands, or federal permits, must comply with NEPA process and procedures for public involvement. An overview of the combined NEPA/SEPA process and procedures is outlined below and described in detail in **Section 411.07**.

- Hold partner confirmation meeting (see **Section 410.05(9)**)
- Establish interdisciplinary team (IDT) and begin draft study plan
- Publish Notice of Intent (NEPA) and Determination of Significance (SEPA)
- Conduct scoping process
- Develop and apply screening criteria to alternatives developed so far
- Select alternatives to study in DEIS and process final study plan
- Begin discipline studies
- Prepare draft EIS
- Circulate DEIS and file with USEPA and Ecology
- Hold EIS/design public hearing if required or desired
- Select preferred alternative and prepare Final EIS
- Issue Final EIS and file with USEPA and Ecology
- Prepare and issue Record of Decision (NEPA) and Notice of Action Taken (SEPA)
- Wait for seven days prior to approving design file or eight-point access study

### **(2) SAFETEA-LU Overview**

Section 6002 of the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) establishes a new coordination and public input process for developing NEPA EISs for highway, public transportation capital, and multimodal projects. For more information on the new process, see **Section 410.02**.

### **(3) SEPA Overview**

The primary purpose of a SEPA EIS is to ensure that SEPA's policies are an integral part of the ongoing programs and actions of state and local government. The EIS process is intended to provide an impartial discussion of significant environmental impacts and inform decision makers and the public of reasonable alternatives, including mitigation measures, that would avoid or minimize adverse impacts or enhance environmental quality. An outline of the SEPA process and procedures is outlined below and described in detail in **Section 411.08**.

- Hold partner confirmation meeting (see **Section 410.05(9)**)



- Establish interdisciplinary team (IDT) and begin draft study plan
- Publish Determination of Significance/Scoping Notice
- Conduct scoping process
- Develop and apply screening criteria to alternatives developed so far
- Select alternatives to study in DEIS and process final study plan
- Begin discipline studies
- Prepare draft EIS
- Circulate DEIS and file with Ecology
- Hold EIS/design public hearing if required or desired
- Select preferred alternative and prepare Final EIS
- Issue Final EIS and file with USEPA and Ecology
- Wait for seven days prior to approving design file or eight-point access study
- Issue Notice of Action Taken

**(4) *Interdisciplinary Team (IDT)***

NEPA requires an interdisciplinary approach in the preparation of EISs (23 CFR 105(c)). WSDOT practice is to use an interdisciplinary team (IDT) to guide and direct the preparation of the EIS. An IDT is an advisory group composed of people with training or skills in the natural and social sciences, engineering, and environmental design. IDT members may come from agencies other than WSDOT. The team normally consists of a nucleus of people, supported by other experts. The interdisciplinary approach is used in the planning and design of transportation facilities involving an EIS. The team is established in the early stages of the environmental process when the Regional Office begins scoping and public involvement and when a Notice of Intent is submitted to FHWA.

The team should consist of a project manager (who in most cases is the interdisciplinary team chairperson), a project engineer, and experts from any of the following areas: acoustics, air quality, archaeology, architecture, biology, botany, communications, economics, geology, hydrology, landscape architecture, meteorology, Real Estate Services, R/W Plans, sanitary engineering, sociology, structural engineering, transportation planning, urban planning, and water quality. The number of experts selected for the interdisciplinary team depends on the nature and magnitude of the project. Each IDT member represents an expertise which applies to the EIS development. As such, they represent themselves and not the agency for which they work; however, they should keep their own agency apprised during project development.

**(5) *Signatory Agency Committee Agreement to Integrate Aquatic Permit Requirements into the NEPA/SEPA Process***

The Signatory Agency Committee (SAC) Agreement applies to all WSDOT projects requiring a Corps of Engineers (Corps) individual Section 404 or Section 10 permit and FHWA action on a NEPA EIS. Signatories are FHWA, NOAA Fisheries, Corps, USEPA, USFWS, Ecology, WDFW, and WSDOT. These agencies aim to integrate conditions of aquatic related permits and approvals, with

the NEPA/SEPA processes at the planning, programming and project development stages. The SAC process involves requests for resource agency “concurrence” at critical point in the NEPA process.

The agreement’s priority is to avoid adverse impacts to waters of the U.S. and Washington, including wetlands, other aquatic resources, and associated sensitive species. The agreement also recognizes the need to consider non-water related impacts and acknowledges that those impacts may affect the decision on the least environmentally damaging practicable alternative.

Originally known as the “NEPA/Section 404 Merger,” the agreement was revised in September 2002 and re-named the “Signatory Agency Committee Agreement to Integrate Aquatic Resource Permit Requirements into the NEPA and SEPA Processes in the State of Washington.” The 2002 revision added process improvements, a full time facilitator and a defined Issue Resolution process. Additional process improvement amendments to the SAC Agreement are ongoing. See the web site referenced below for the most current version of the SAC Agreement.

During Planning and Programming, WSDOT has agreed to request signatory agencies to concur with the transportation purpose and need served by a project. WSDOT submits an “early warning” packet to SAC members 30 days prior to the project’s first SAC presentation.

During Design and Environmental review, WSDOT has agreed to request regulatory/resource agency involvement early in the NEPA EIS process. Under the agreement:

- WSDOT requests signatory agencies to concur with project alternatives to be evaluated in the DEIS.
- WSDOT requests the Corps, USFWS, USEPA and NMFS to concur with the NEPA/SEPA preferred alternative/apparent Section 404 least environmentally damaging practicable alternative and aquatic compensatory mitigation plan. WSDOT also requests Ecology and WDFW to concur with NEPA/SEPA preferred alternative and aquatic compensatory mitigation plan.
- WSDOT agrees to provide the information necessary for agencies to identify the least environmentally damaging practicable alternative and proposed mitigation early in the joint NEPA/SEPA EIS process, and ensure that WSDOT responds to agency comments within the timeframes of the agreement.
- The Appendices to the SAC Agreement provide guidance to projects on preparing a Purpose and Need Statement (Appendix C), Aquatic Compensatory Mitigation Requirements (Appendix E) and Alternatives Analysis (Appendix D) and other information related to project development and the overall SAC process.

Please refer to [Chapter 431](#) and [Chapter 437](#) for details on NEPA/SEPA requirements related to surface water and wetlands, and [Section 520.02](#) and [Section 520.03](#) for details on Corps permits.

The SAC Agreement is online at:



Signatory Agency Committee Agreement to Integrate Aquatic Resource Permit Requirements into the National Environmental Policy Act and State Environmental Policy Act Processes in the State of Washington, September 17, 2002

## 411.07 Procedures for a Joint NEPA/SEPA EIS

A WSDOT project that involves federal funding, federal lands, or federal permits, and is likely to have substantial environmental, social, or economic impacts, must comply with NEPA process and procedures for preparing an EIS, as well as the new coordination and public input process for NEPA EISs established in SAFETEA-LU. Since WSDOT is a state agency, most WSDOT projects must also comply with SEPA requirements. An overview of the combined NEPA/SEPA EIS process and procedures is described in detail in this section, and some details regarding the new coordination and public input process required by SAFETEA-LU are discussed in Section 410.02. See [Section 411.09](#) for guidance on preparing the EIS document.

### (1) **Notice of Intent (NEPA)/ Determination of Significance and Scoping Notice (SEPA)**

#### (a) **Notice of Intent (NOI)**

If an EIS will be required for a project involving federal funds or federal permits, the Regional Office submits a draft Notice of Intent (NOI) to FHWA or the federal lead agency for publication in the *Federal Register*. The NOI advises federal agencies that an EIS will be prepared. The contents and guidelines for preparation of the notice are found in FHWA Technical Advisory T 6640.8A.

#### (b) **Determination of Significance (DS)/Scoping Notice**

The SEPA Determination of Significance (DS)/Scoping Notice is the state equivalent of the Notice of Intent. This notice is for projects using state or local funds, or requiring a state or local action. SEPA scoping requires a minimum 21-day comment period, public notice, and distribution (WAC 197-11-360, 408, and 411). It is not required for a NEPA EIS that will be adopted under SEPA.

A DS is prepared by the Region when it is determined that an EIS is needed. The DS/Scoping notice form is available in WAC 197-11-980. The Regional Office sends it directly to Ecology for inclusion in the daily update of the SEPA Register (currently found on Ecology's web site), and to other agencies, tribes, and others with interest in the project (WAC 197-11-360(3) and WAC 197-11-408).

The DS describes the main elements of the proposal, site location, and the major potential environmental impacts. [Exhibit 411-4](#) is a sample DS and adoption of an existing environmental document.

### (2) **EIS Scoping**

The scoping process identifies the range of alternatives and impacts and the significant impacts to be addressed in the EIS. Scoping allows the resource agencies and the public to identify potential environmental concerns or controversy early in the project development. NEPA and SEPA rules require

scoping during preparation of the draft EIS (40 CFR 1501.7, 23 CFR 771.123, WAC 197-11-408). Neither NEPA or SEPA requires scoping for a supplemental EIS; however, the co-lead agencies can decide to hold an open house early in the supplemental EIS process that serves the same purpose. For details, see [Section 411.09](#).

**(3) Draft Environmental Impact Statement (DEIS)**

The DEIS is the initial WSDOT project report. It identifies the alternative actions and presents an analysis of their relative impacts on the environment. It may identify a recommended course of action if one alternative is clearly preferred. The DEIS summarizes the early coordination and scoping process, identifies key issues, and presents pertinent information obtained through these efforts.

The Regional Office or Division prepares a preliminary DEIS using discipline reports and/or data supplied by the IDT and other sources, and begins a commitment file (see [Chapter 490](#)). The same office coordinates reviews by various HQ experts, the Attorney General's office (on controversial projects), and appropriate federal agencies. Review comments are returned to the Region for revision of the preliminary DEIS. For controversial projects, the FHWA may offer an informal legal review.

After reviewing changes made in response to comments on the preliminary DEIS, the Regional Office submits the DEIS to the WSDOT Director of Environmental Services, who approves the DEIS by signing the title page, and obtains concurrence for circulation by signature of appropriate federal official on the title page. WSDOT's mandatory protocol for approval of environmental documentation includes steps for obtaining approval, and procedures for pre-briefing and formal signature briefing. ESO Compliance Branch staff is available to assist in completing the approval process. The protocol is in [Exhibit 411-2](#).

The signed title page and approval to print the DEIS are returned to the Regional Office and the document is printed and made available for public review as described below.

**(4) Notice of Availability/Public Hearing Notice**

The Regional Office submits the DEIS to USEPA for processing and placement of a Notice of Availability in the *Federal Register*. A comment period of not less than 45 days begins upon publication of the notice in the *Federal Register*. For state-funded projects, the DEIS is also submitted to Ecology.

WSDOT is required to use the public notice procedures detailed in WAC 468-12-510(c) to inform the public that the DEIS is available and that a public hearing may be requested. If a hearing is required to fulfill any legal requirements, include information on the availability of the DEIS in the notice.

The hearing date is a minimum of 15 days after circulation of the DEIS if a design hearing is incorporated with the environmental hearing. The end of the comment period should be about two weeks or 15 days following the date of the public hearing. (23 CFR 771.123(h))

Public notice requirements include:

- Publishing the notice in a newspaper of general circulation in the county, city, or general geographic area where the proposal is located.

- Notifying agencies with jurisdiction, affected tribes, and groups known to be interested in the proposal or who have commented in writing about the proposal.
- Contacting news media and placing notices in appropriate regional, neighborhood, or ethnic periodicals.
- Giving public notice at least 15 days in advance of a public hearing. The environmental document continues to be available for 15 days after the hearing date (45 day comment period minus 30 days public notice leaves remaining 15 days of the comment period).

The DEIS Notice of Availability contains the following:

- Location of project.
- Brief description.
- Information on wetlands, floodplains, Section 4(f) lands, or endangered species if applicable.
- Purpose of EIS.
- Responsible agency.
- Federal lead agency (NEPA).
- Where documents are available.
- Where to send comments.
- “Comments are requested by (date).”
- Date, time, and location of public hearing or invitation to request a public hearing.

## **(5) Public Hearing**

### **(a) NEPA**

Public hearings are required for all NEPA EIS projects and for other NEPA projects when:

- There are identified environmental issues (e.g. heavy traffic volumes on local streets, visual quality), which should be discussed in a public forum. If a request for a hearing can be anticipated, planning for a hearing can save time, rather than waiting until the end of the comment period to start the procedures for the public hearing.
- WSDOT has a substantial interest in holding a hearing to further public comment and involvement.
- An agency with jurisdiction over the proposal (permitting agency) requests a hearing.

As a minimum, a notice of opportunity for a hearing is published in newspapers. The WSDOT Hearing Coordinator (at Headquarters) can provide examples and advice. Where hearings are not required by statute, informational meetings may serve as a useful forum for public involvement in the environmental process. See [Section 410.06](#) and *Design Manual* Section 210 for further hearing requirements.

**(b) SEPA**

Public hearings on SEPA projects (WAC 197-11-502, 197-11-535, 468-12-510) are held when one or more of the following situations occur:

- The lead agency determines that a public hearing would assist in meeting its responsibility to implement the purposes and policies of SEPA.
- When two or more agencies with jurisdiction over a proposal make written request to the lead agency within 30 days of the issuance of the draft EIS.
- When 50 or more persons residing within a jurisdiction of the lead agency, or who would be adversely affected by the environmental impact of the proposal, make written request to the lead agency within thirty days of issuance of the draft EIS.

**(6) Circulation of DEIS**

Circulation of Draft and Final EISs is required under state and federal regulations (40 CFR 1502.19, WAC 197-11-455 and 460, and WAC 468-12-455 and 460). Generally, all copies sent out during the circulation of the DEIS are free of charge. After initial circulation, a fee may be charged which is not more than the cost of printing. See [Section 411.02](#).

NEPA DEISs must be distributed by the Regional Office no later than the time the document is filed with the U.S. Environmental Protection Agency (USEPA) for publication in the *Federal Register*. Contact the “NEPA Contact” in the Environmental Services Compliance Branch for assistance in preparing a DEIS distribution list. See [Exhibit 411-2](#) for NEPA contact information.

Required distribution is as follows:

- Federal or agencies with jurisdiction or environmental expertise on the project.
- Tribes (affected by project, both “usual and accustomed areas” and fishery resources).
- Cities and counties in which adverse environmental impacts identified in the EIS may occur, if the proposal were implemented.
- Local agencies of political subdivisions whose public services would be changed as a result of implementation of the proposal (e.g., public works, parks, planning, local SEPA office, schools, water or sewer districts).
- The applicable local, area-wide, or regional agency, if any, that has been designated under federal law to conduct intergovernmental review and coordinate federal activities with state or local planning (e.g., Clean Air Agency, ports, Indian Fisheries Commission, transit authorities).
- Ecology Environmental Coordination Section (two copies).
- Media (legal and local newspapers).
- Public officials, private interest groups, and members of the public having or expressing an interest in the proposed project or DEIS.

The latter category normally includes:

- Each private interest group, but not each member.

- Public officials, private interest groups, or individuals who provided significant input during meetings and/or hearings.
- Individuals who have shown interest by attending several meetings, even though they did not provide specific input.
- Any individual who has shown interest by visiting an FHWA, WSDOT, or local agency office for information on the proposed project or by requesting a copy of the DEIS from the lead agency.

The DEIS is also distributed to:

- WSDOT Environmental Services Office
- Transportation Commission
- Attorney General
- State Library

When visual impacts are a significant issue, the DEIS should be circulated to officially designated local arts councils and other organizations interested in design, art, and architecture.

## **(7) Final Environmental Impact Statement (FEIS)**

### **(a) Preliminary FEIS**

After the public comment period, public and agency comments are evaluated to determine whether:

- Additional studies are required to respond to those comments.
- Impacts of the preferred alternative fall within an envelope of impacts for alternatives described in the DEIS (especially if a modified or hybrid alternative is selected as preferred).
- A supplemental EIS is required to provide additional or missing information prior to issuing a Final EIS.

The FEIS contains WSDOT's final recommendation or preferred alternative, lists or summarizes by group the comments received on the DEIS, summarizes citizen involvement, and describes procedures required to ensure that mitigation measures are implemented. The FEIS also documents compliance with environmental laws and Executive Orders.

If a DEIS adequately identifies and quantifies the environmental impacts of all reasonable alternatives, evaluate the next step by reviewing the FHWA Technical Advisory T 6640.8A, which gives three options for preparing a Final EIS: traditional approach, condensed Final EIS, and abbreviated Final EIS.

WSDOT practice is to produce reader-friendly documents with conclusions in one document. In the traditional approach, preferred by FHWA, the FEIS incorporates the DEIS (essentially in its entirety) with changes made as appropriate throughout the document. Changes may reflect the selection of an alternative, modifications to the project, updated information on the affected environment, changes in the assessment of impacts, selection of mitigation measures, and wetland and floodplain findings. These are the results of coordination, comments received on the DEIS, and responses to these comments. Since so much information is carried over from the draft

to the final EIS, important changes are sometimes difficult for the reader to identify. These can be highlighted in an introductory section or attached summary.

**(b) Review and Publication of FEIS**

The Regional Office reviews the preliminary FEIS and submits the document for review by the Attorney General's office (on controversial projects), and the appropriate lead federal and state agencies.

FHWA Legal Sufficiency Review of the Preliminary FEIS is required (23 CFR 771.125(b)). The review is performed by FHWA legal staff in San Francisco prior to FHWA formal approval of the final document and takes 30 to 45 days. The review is to determine document compliance with applicable FHWA and CEQ NEPA laws and regulations. It seeks to minimize the potential of losing the case in court if the project were to be litigated. It also provides some helpful hints in terms of documentation from a legal perspective.

After reviewing the preliminary FEIS and incorporating comments, the Regional Office prepares a draft Record of Decision (ROD) and submits it to the HQ Environmental Services Office along with the FEIS. The ESO reviews the FEIS, and the WSDOT Director of Environmental Services signs the title page. The federal agency approval to print is demonstrated by their signature on the title page, possibly with a short list of minor changes to make prior to printing. WSDOT's mandatory protocol for approval of environmental documentation includes steps for obtaining approval, and procedures for pre-briefing and formal signature briefing. ESO Compliance Branch staff is available to assist in completing the approval process. The protocol is in [Exhibit 411-2](#).

The FEIS is then submitted to USEPA for publication of the FEIS Notice of Availability in the *Federal Register*.

**(c) Distribution**

After approval, the Regional Office distributes copies of the FEIS as follows (40 CFR 1502.19(d), WAC 197-11-460):

- Federal agencies (do not list co-lead agencies).
- Tribes (affected by project, both "usual and accustomed areas" and fishery resources).
- Ecology Environmental Coordination Section (two copies).
- State agencies (see Ecology's SEPA agency list; do not list co-lead agencies).
- Regional agencies (e.g., Clean Air Authority, transit, Indian Fisheries Commissions).
- County (public works, SEPA official).
- Local agencies (public works, parks, SEPA official, schools, water/sewer district).
- Libraries.
- Media (legal and local newspapers).



- Organizations and individuals who have expressed interest.
- HQ, Attorney General, and State Library.

Contact the “NEPA Contact” in the Environmental Services Compliance Branch for assistance in preparing a FEIS distribution list. See [Exhibit 411-2](#) for NEPA contact information.

Under NEPA rules, FEISs must be distributed no later than the time the document is filed with USEPA for publication of the FEIS Notice of Availability in the *Federal Register*. Under SEPA rules, the FEIS is issued within 60 days of the end of the comment period for the DEIS, unless the proposal is unusually large in scope, the environmental impact associated with the proposal is unusually complex, or extensive modifications are required to respond to the public comments.

**(d) Notice of Availability**

WSDOT notifies the public in a similar manner as for the DEIS, except there is no official comment period. Comments received during the 30 days following the issue of the FEIS will be noted and responded to in the Record of Decision and made available to the public upon request. For SEPA FEISs, the Region sends the FEIS, or notice that the FEIS is available, to anyone who commented on the DEIS and to those who received but did not comment on the DEIS. If the agency receives petitions from a specific group or organization, a notice or EIS may be sent to the group and not to each petitioner. The Region makes additional copies available in its offices for review (WAC 197-11-460). FEIS notification procedures are detailed in WAC 468-12-510(d).

**(8) Record of Decision (NEPA) and Notice of Action Taken (SEPA)**

**(a) Record of Decision (ROD)**

The draft Record of Decision (ROD), prepared by the Regional Office, accompanies the FEIS through the review and approval process. The ROD explains the reasons for the project decision, summarizes any mitigation measures that will be incorporated in the project, and documents any required Section 4(f) approval (CEQ 40 CFR 1505.2). Guidance on preparing and distributing the ROD is in FHWA’s Technical Advisory T 6640.8A, online at:

 <http://www.fhwa.dot.gov/>

Click on Legislation and Regulations, then FHWA Directives and Policy Memorandums, then FHWA Technical Advisories, then T6640.8A.

Or by direct link:

 <http://www.fhwa.dot.gov/legsregs/directives/techadvs/t664008a.htm>

The ROD is intended by the CEQ to be an environmental document (CEQ 40 Questions, #34a). Therefore, it must be made available to the public through appropriate public notice as required by 40 CFR 1506.6(b). However, there is no specific requirement for publication of the ROD itself, either in the *Federal Register* or elsewhere. It is WSDOT practice to

publish a Notice of Availability in the newspapers previously used for project notices.

Under NEPA, FHWA or other federal lead agency issues the final ROD. The Regional Office obtains the approved ROD from the federal agency and circulates it to the State Construction Engineer and the State Operations and Maintenance Engineer, and advises that the project may advance to final design or (PS&E) permitting.

The following format is used in preparing a ROD:

- **Decision** – Identify the selected alternative. Refer to the FEIS to avoid repetition.
- **Alternatives considered** – Briefly describe each alternative (with reference to the FEIS, as above), explain and discuss the balancing of values underlying the decision. Values for economic, environmental, safety, traffic service, community planning, and other decision factors may vary in relative importance. Identify each significant value and the reasons why some values were considered more important than others. The ROD should reflect the manner in which these values were considered in arriving at the decision. Identify the environmentally preferred alternative or alternatives. In addition, if Section 4(f) property is used, summarize the Section 4(f) evaluation.
- **Measures to minimize harm** – Describe all measures to minimize environmental harm that have been adopted for the proposed action. State whether all practicable measures to minimize environmental harm have been incorporated into the decision, and if not, why.
- **Monitoring or enforcement program** – Describe any monitoring or enforcement program that has been adopted for the specific mitigation measures, as outlined in the FEIS.
- **Commitment list** – Include an item-by-item list of commitments and mitigation measures from the commitment file. The list serves as a ready reference for the design, construction, and maintenance of the project (see [Chapter 490](#)).

**(b) Notice of Action Taken (NAT)**

Under SEPA, the Notice of Administrative Review and Notice of Action Taken (NAT) establish a statute of limitations on challenges to an environmental document. See [Exhibit 411-6](#) for a sample.

Under SEPA Rules (WAC 197-11-704), an “action” includes:

- New and continuing activities (including projects and programs) entirely or partly financed, assisted, conducted, regulated, licensed, or approved by agencies.
- New or revised agency rules, regulations, plans, policies, or procedures.
- Legislative proposals.

Issuance of an environmental document is not an action under SEPA, and the NAT should not be filed until an action such as approval of the design file has been taken by WSDOT.

The decision to publish a NAT is made by the Project Office of a Region or mode. Normally the Environmental Manager of a Region or mode will write and sign the NAT.

A NAT can be issued whether or not a public hearing has been held. It is an optional process for the purpose of limiting potential court challenges of an environmental document. SEPA was amended in 1995 to change the appeal period to within 21 days of the last newspaper publication of the NAT for both private and governmental projects (RCW 43.21C.080). A NAT should be published any time there is reason to believe challenges to the environmental document will be filed. Substantial controversy or known threats of challenges by project opponents are indicators that judicial review is likely. By limiting appeals to a certain time period, project schedules are less likely to be disrupted.

The NAT should be substantially in the form documented in WAC 197-11-990. The following notification procedure is specified in RCW 43.21C.080:

- Publishing notice on the same day of each week for two consecutive weeks in a legal newspaper of general circulation in the area where the property which is the subject of the action is located.
- Filing notice of such action with Ecology at its main office in Olympia prior to the date of the last newspaper publication.
- Notifying adjacent property owners and others by one of the following methods prior to the date of first newspaper publication (except for non-project actions):
  1. Mailing to the latest recorded real property owners, as shown by the records of the county treasurer, who share a common boundary line with the property upon which the project is proposed, by U.S. mail, first class, postage prepaid.
  2. Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed.

**(c) Notice of Administrative Review**

Under SEPA, the Notice of Administrative Review may be used at WSDOT's option, where there has been no public hearing and WSDOT wants an opportunity to develop a more extensive administrative record prior to a challenge to the agency action in Superior Court. Otherwise, a challenge would be filed in Superior Court within the time limit after publication of a Notice of Action Taken on the administrative record compiled by WSDOT.

The Notice of Administrative Review establishes a 30-day period in which a party may make a written request for administrative review to the WSDOT Director of Environmental and Engineering Programs. Upon receipt of such a request, and if the concerns cannot be resolved through

negotiations, WSDOT shall afford the party a hearing in accordance with RCW 34.04 and WAC 468-10 in an attempt to reach a decision.

If the party then wishes to seek judicial review of the administrative review decision, the aggrieved party shall first file a notice of intent to do so within 90 days of the issuance of the Notice of Administrative Review or within 30 days of the decision, whichever is later.

The Notice of Administrative Review is prepared by the Regional Office. The Environmental Services Office Director concurs and signs the notice. The Notice of Administrative Review should be prepared and filed as shown in WAC 468-12-510(e) and 468-12-680.

**(9) *Proceed with Design***

After all environmental documents in the environmental and design stages have been approved and finalized (including environmental documents, eight-point access report for limited access highways, and Access Hearings, and R/W plan revisions if applicable), the project may advance to right of way acquisition and preparation of the PS&E.

## **411.08 Procedures for a SEPA-Only EIS**

For a WSDOT project that does not involve federal funding, federal lands, or federal permits, but is expected to have substantial environmental impacts, only SEPA EIS process and procedures must be followed. These procedures are described in detail in this section. See [Section 411.09](#) for guidance on preparing the EIS document.

**(1) *Determination of Significance (DS)/Scoping Notice***

The SEPA Determination of Significance (DS)/Scoping Notice is for projects using state or local funds, or requiring a state or local action. SEPA scoping requires a minimum 21-day comment period, public notice, and distribution (WAC 197-11-360, 408, and 411).

A DS is prepared by the Region when it is determined that an EIS is needed. The DS/Scoping notice form is available in WAC 197-11-980. The Regional Office or Division sends it directly to the Department of Ecology for inclusion in the daily update of the SEPA Register (currently found in Ecology's web page on the Internet), and to other agencies, tribes, etc. with interest in the project.

The DS should describe the main elements of the proposal, site location, and the major potential environmental impacts. [Exhibit 411-4](#) is a sample DS and adoption of an existing environmental document.

**(2) *EIS Scoping***

The scoping process identifies the range of alternatives and impacts and the significant impacts to be addressed in the EIS. Scoping allows the agency to identify potential environmental concerns or controversy early in the project development. SEPA rules require scoping during preparation of the draft EIS (WAC 197-11-408).

**(3) *Draft Environmental Impact Statement (DEIS) and Commitment File***

The DEIS is the initial WSDOT project report. It identifies the alternative actions and presents an analysis of their relative impacts on the environment. It may

identify a recommended course of action if one alternative is clearly preferred. The DEIS summarizes the early coordination and scoping process, identifies key issues, and presents pertinent information obtained through these efforts.

The Regional Office or Division prepares a preliminary DEIS using discipline reports and/or data supplied by the IDT and other sources and begins the commitment file (see [Chapter 490](#)).

The same office coordinates reviews by various HQ experts, the Attorney General's office (on controversial projects), and appropriate federal agencies. Review comments are returned to the Region for revision of the preliminary DEIS. After reviewing changes made in response to comments on the preliminary DEIS, the Regional Office submits the DEIS to the WSDOT Director of Environmental Services, who approves the DEIS by signing the title page. WSDOT's mandatory protocol for approval of environmental documentation includes steps for obtaining approval, and procedures for pre-briefing and formal signature briefing. ESO Compliance Branch staff is available to assist in completing the approval process. The protocol is in [Exhibit 411-2](#).

The signed title page and approval to print the DEIS are returned to the Regional Office. The document is then printed, submitted to Ecology, and made available for public review.

A 30-day comment period begins from the date the DEIS is sent to Ecology and made publicly available; this period may be extended when WSDOT is both the lead agency and proponent.

**(4) *Public Hearing Notice/Notice of Availability***

WSDOT is required to use the public notice procedures detailed in WAC 468-12-510(c) to inform the public that the DEIS is available and the procedures for requesting a public hearing. If a hearing is required to fulfill any legal requirements, include information on the availability of the DEIS in the notice.

Public notice requirements include:

- Publishing the notice in a newspaper of general circulation in the county, city, or general geographic area where the proposal is located.
- Notifying agencies with jurisdiction, affected tribes, and groups known to be interested in the proposal or who have commented in writing about the proposal.
- Contacting news media and placing notices in appropriate regional, neighborhood, or ethnic periodicals.
- Giving public notice at least 30 days in advance of a public hearing.

The DEIS Notice of Availability contains the following:

- Location of project.
- Brief description.
- Information on wetlands, floodplains, shorelines, or endangered species if applicable.
- Purpose of EIS.
- Responsible agency.

- Where documents are available.
- Where to send comments.
- Deadline for receiving comments (30 days for SEPA projects).
- Date and location of public hearing or invitation to request a public hearing.

**(5) Public Hearing**

Public hearings on SEPA projects (WAC 197-11-502, 197-11-535, 468-12-510) are held when one or more of the following situations occur:

- The lead agency determines that a public hearing would assist in meeting its responsibility to implement the purposes and policies of SEPA.
- When 50 or more persons residing within a jurisdiction of the lead agency, or who would be adversely affected by the environmental impact of the proposal, make written request to the lead agency within 30 days of issuance of the draft EIS.
- When two or more agencies with jurisdiction over a proposal make written request to the lead agency within 30 days of the issuance of the draft EIS.

**(6) Circulation of DEIS**

Circulation of Draft and Final EISs is required under SEPA regulations (WAC 197-11-455 and 460, and WAC 468-12-455 and 460). Generally, all copies sent out during the circulation of the DEIS are free of charge. After initial circulation, a fee may be charged which is not more than the cost of printing. See [Section 411.02](#).

The distribution requirements of SEPA DEISs should follow the following procedures (WAC 197-11-455). Contact the “NEPA Contact” in the Environmental Services Compliance Branch for assistance in preparing a SEPA DEIS distribution list. See [Exhibit 411-2](#) for NEPA contact information. The Region is responsible for distribution:

- Ecology Environmental Coordination Section (two copies).
- Each agency with jurisdiction over or environmental expertise on the proposal.
- Each city/county in which adverse environmental impacts identified in the EIS may occur, if the proposal were implemented.
- Each local agency of political subdivision whose public services would be changed as a result of implementation of the proposal.
- Any affected tribe.
- The applicable local, area-wide, or regional agency, if any, that has been designated under federal law to conduct intergovernmental review.
- Any person requesting a copy of the EIS from the lead agency.

When visual impacts are a significant issue, the DEIS should be circulated to officially designated local arts councils and other organizations interested in design, art, and architecture.

**(7) Final Environmental Impact Statement (FEIS)**

**(a) Preliminary FEIS**

After the public comment period, the Regional Office or Division prepares a preliminary FEIS. The FEIS contains WSDOT's final recommendation or preferred alternative, discusses substantive comments received on the DEIS, summarizes citizen involvement, and describes procedures required to ensure that mitigation measures are implemented. The FEIS also documents compliance with environmental laws and Executive Orders.

**(b) Review and Publication of FEIS**

The Regional Office reviews the preliminary FEIS and submits the document for review by the Attorney General's office (on controversial projects) and the appropriate lead and cooperating agencies.

Following any revisions, the Regional Environmental Office or Environmental Services Office reviews the Final EIS. After being briefed and giving approval, the WSDOT Director of Environmental Services signs the title page. WSDOT's mandatory protocol for approval of environmental documentation includes steps for obtaining approval, and procedures for pre-briefing and formal signature briefing. ESO Compliance Branch staff is available to assist in completing the approval process. The protocol is in [Exhibit 411-2](#).

Under SEPA rules, the FEIS is issued within 60 days of the end of the comment period for the DEIS, unless the proposal is unusually large in scope, the environmental impact associated with the proposal is unusually complex, or extensive modifications are required to respond to the public comments.

**(c) Distribution**

After approval, the Regional Office distributes the FEIS to all state and local agencies with jurisdiction; and agencies, private organizations, and members of the public who provided substantive comments on the draft EIS or who requested a copy of the FEIS (WAC 197-11-460). Copies must be sent to Ecology's Environmental Coordination Section (two copies), WSDOT Environmental Services Office, Attorney General, and State Library. Contact the "NEPA Contact" in the Environmental Services Compliance Branch for assistance in preparing a SEPA FEIS distribution list. See [Exhibit 411-2](#) for NEPA contact information.

**(d) Notice of Availability**

WSDOT notifies the public in a similar manner as for the DEIS except there is no comment period. For SEPA FEISs, the Region shall send the FEIS, or notice that the FEIS is available, to anyone who commented on the DEIS and to those who received but did not comment on the DEIS. If the agency receives petitions from a specific group or organization, a notice or EIS may be sent to the group and not to each petitioner. The Region shall make additional copies available in its offices for review (WAC 197-11-460). FEIS notification procedures are detailed in WAC 468-12-510(d).



**(8) Notice of Action Taken (SEPA)**

Under SEPA, the Notice of Administrative Review and Notice of Action Taken (NAT) establish a statute of limitations on challenges to an environmental document. See [Exhibit 411-6](#) for a sample; see also WAC 197-11-990.

Under SEPA Rules (WAC 197-11-704), an “action” includes:

- New and continuing activities (including projects and programs) entirely or partly financed, assisted, conducted, regulated, licensed, or approved by agencies.
- New or revised agency rules, regulations, plans, policies, or procedures.
- Legislative proposals.

Issuance of an environmental document is not an action under SEPA, and the NAT should not be filed until an action such as approval of the design file has been taken by WSDOT.

The decision to publish a NAT is made by the Project Office of a Region or mode. Normally the Environmental Manager of a Region or mode will write and sign the NAT.

A NAT can be issued whether or not a public hearing has been held. It is an optional process for the purpose of limiting potential court challenges of an environmental document. SEPA was amended in 1995 to change the appeal period to within 21 days of the last newspaper publication of the NAT for both private and governmental projects (RCW 43.21C.080). A NAT should be published any time there is reason to believe challenges to the environmental document will be filed. Substantial controversy or known threats of challenges by project opponents are indicators that judicial review is likely. By limiting appeals to a certain time period, project schedules are less likely to be disrupted.

**(a) Notification Procedure**

The following notification procedure is specified in RCW 43.21C.080:

- Publishing notice on the same day of each week for two consecutive weeks in a legal newspaper of general circulation in the area where the property which is the subject of the action is located.
- Filing notice of such action with Ecology at its main office in Olympia prior to the date of the last newspaper publication.
- Notifying adjacent property owners and others by one of the following methods prior to the date of first newspaper publication (except for non-project actions):
  1. Mailing to the latest recorded real property owners, as shown by the records of the county treasurer, who share a common boundary line with the property upon which the project is proposed, by U.S. mail, first class, postage prepaid.
  2. Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed.

Contact the “NEPA Contact” in the Environmental Services Compliance Branch for assistance in preparing a SEPA NAT distribution list. See [Exhibit 411-2](#) for NEPA contact information.



**(b) Notice of Administrative Review**

Under SEPA, the Notice of Administrative Review may be used at WSDOT's option, where there has been no public hearing and WSDOT wants an opportunity to develop a more extensive administrative record prior to a challenge to the agency action in Superior Court. Otherwise, a challenge would be filed in Superior Court within the time limit after publication of a Notice of Action Taken on the administrative record compiled by WSDOT.

The Notice of Administrative Review establishes a 30-day period in which a party may make a written request for administrative review to the WSDOT Director of Environmental and Engineering Programs. Upon receipt of such a request, and if the concerns cannot be resolved through negotiations, WSDOT shall afford the party a hearing in accordance with RCW 34.04 and WAC 468-10 in an attempt to reach a decision.

If the party then wishes to seek judicial review of the administrative review decision, the aggrieved party shall first file a notice of intent to do so within 90 days of the issuance of the Notice of Administrative Review or within 30 days of the decision, whichever is later.

The Notice of Administrative Review is prepared by the Regional Office. The Environmental Services Office Director concurs and signs the notice. The Notice of Administrative Review should be prepared and filed as shown in WAC 468-12-510(e) and 468-12-680.

**(9) Proceed with Design**

After all environmental documents have been approved and finalized, the project proceeds to final design (PS&E) and permitting.

## **411.09 Preparation of an EIS**

The primary purpose of an environmental impact statement is to ensure that the intent of NEPA and/or SEPA becomes an integral part of programs and actions of state and local governments. The EIS is used by agency officials in conjunction with other relevant materials and considerations to plan actions and make decisions.

The EIS is to provide an impartial discussion of significant environmental impacts and inform decision makers and the public of reasonable alternatives, including mitigation measures, that would avoid or minimize adverse impacts or enhance environmental quality. The EIS process enables government agencies and interested citizens to review and comment on proposed government actions. The process is intended to assist the agencies and applicants to improve their plans and decisions, and to encourage the resolution of potential concerns or problems prior to issuing a final statement.

This section provides an overview of the major elements of an EIS, and the internal WSDOT guidance for content preparation. See also [Section 411.02](#) on Document Standards. Key areas of focus are:

- EIS Scoping
- Organization of EIS
- Elements of the Environment

- Purpose and Need Statement
- Alternatives to the Proposal
- Affected Environment
- Analysis of Impacts
- Mitigation of Adverse Impacts
- Documenting Environmental Benefits

**(1) EIS Scoping**

EIS Scoping (not to be confused with Project Scoping, which is addressed in [Chapter 310](#)) is a method for identifying the range of alternatives and potentially significant impacts to be addressed in the EIS. This type of scoping allows the agency to identify potential environmental concerns or controversy early in project design. NEPA and SEPA rules require scoping during preparation of the draft EIS (40 CFR 1501.7, 40 CFR 1508.25, 23 CFR 771.105 (a-d), 23 CFR 771.123, WAC 197-11-408). NEPA requires scoping for a supplemental EIS; however, the co-lead agencies can decide to hold an open house early in the supplemental EIS process that serves the same purpose. See also [Section 411.07](#) and [Section 411.08](#).

EIS Scoping is generally the first step in the public involvement process. It includes communication with regulatory agencies, people directly affected by the proposed project, and the general public.

EIS Scoping does not create problems that do not already exist. It ensures that problems and concerns that would have been raised anyway are identified early in the process. A thorough scoping offers some protection against subsequent lawsuits. During scoping, all interested parties should have an opportunity to raise issues or concerns they feel need to be considered in development of the project.

The purposes of EIS scoping are:

- To present the project purpose and need and alternatives considered so far.
- To consider unquantified environmental amenities and values in decision making, along with economic and technical issues.
- To make a diligent effort to invite and solicit comments from affected and interested citizens, businesses, and agencies.
- To identify potential environmental impacts of proposed actions and begin documenting the rationale for subsequent decisions.

The beginning of the scoping process usually consists of informal meetings or open houses. Either prior to or during these sessions, the Regional Office or Division gives information about the proposed project to affected agencies, tribes, and any other groups, organizations or individuals known to have interest. This information may include a brief description, proposed alternatives, probable environmental impacts and issues, maps, drawings, and a brief explanation of the scoping procedure.

For more information see *Scoping Guidance, Memorandum for General Counsel, NEPA Liaisons and Participants in Scoping*, Executive office of the President,

Council of Environmental Quality. April 30, 1981. This and other CEQ guidance is online at:

 [http://ceq.eh.doe.gov/nepa/regs/ceq/toc\\_ceq.htm](http://ceq.eh.doe.gov/nepa/regs/ceq/toc_ceq.htm)

**(a) Design the EIS Scoping Process**

Contact known local citizens groups and civic leaders to get a feel for public interest. Then decide whether to scope by public meeting(s), letter, telephone, or a combination of methods.

Generally, several small meetings work better than one large meeting. Large meetings often become “events” where grandstanding substitutes for substantive comments. Normally, public scoping and agency scoping meetings are held separately because of differing areas of concern.

**(b) Issue the Public Notice**

[Section 411.05](#), [Section 411.07](#), and [Section 411.08](#) contain detailed guidelines on the public notice requirements for NEPA EAs, NEPA/SEPA EISs, and SEPA-only EISs.

NEPA CEQ regulations (40 CFR 1501.7) require that a Notice of Intent (NOI) to prepare an EIS be published in the *Federal Register* prior to initiating scoping. The scoping notice can be included in the notice of intent if desired. A Determination of Significance and Scoping Notice form can be found in WAC 197-11-980 of the SEPA rules. A scoping notice should also be published in local newspapers in all areas affected by the project. All adjacent property owners, agencies, tribes, and others who have expressed interest in the project should be sent an individual letter. If there is potential for disproportionately high adverse impacts to low-income or minority populations, give special attention to early notification. Demographic information should indicate whether there is a need to print materials in other languages and have interpreters for public meetings.

News releases are another appropriate way to announce scoping. However, they do not constitute legal notice. Also, news media may not use them unless the project is considered newsworthy.

**(c) Prepare an Information Packet**

The packet should include a brief explanation of what scoping is and what procedure will be used. There should be a brief general description and map showing each proposed alternative. Known impacts and benefits of each alternative should be described.

The information should include specific issues on which comments are requested. Encourage recommendations for improvements to the proposed alternatives and point out that there is no preferred alternative.

**(d) Evaluate Comments and Respond to Participants**

All scoping comments received from the public and/or other agencies must be evaluated to determine the relevance of each comment. All relevant issues must be addressed in the environmental document.

To assure credibility during the environmental process, all scoping comments – whether relevant or not – need to be carefully evaluated and responded to in one or more follow-up documents:

- ***Handouts at public meetings*** – Comments received early in the scoping process may be listed or summarized and included in handouts at succeeding public meetings.
- ***Newsletters*** – Newsletters can be used to give an early response to comments.
- ***Environmental documents*** – EISs and EAs both include sections that describe comments from and coordination with the public and other agencies.

EIS Scoping comments may be listed individually, or grouped and summarized under general headings, depending on the number of comments received and the similarity of the comments.

Responses to comments may be as simple as stating that the issue will be addressed in detail in the environmental document. Comments regarding issues that will not be addressed in detail in the document should be responded to early in the process – by way of a newsletter for instance – rather than waiting for the issue to be raised again during the document circulation period.

The actual method of responding to scoping comments is not critical. What is important is that each comment is fairly evaluated and responded to. Citizens and other governmental agencies that take the time to express their interest in a project – whether their concerns, support, or opposition – need to be assured that their voices have been heard. Consider comments received by e-mail the same as those made in person or by letter.

## **(2) Organization of the EIS**

**Figure 411-1** and **Table 411-2** compare the typical organization of an EIS under NEPA and SEPA; they are not intended to include all topics covered. WSDOT EISs generally follow the NEPA format. Because EIS formats are not mandatory, agencies sometimes prepare EISs with the more reader-friendly format, presenting information regarding a particular topic in the same section.

Additional guidance concerning the organization and format of the EIS documents can be obtained from WSDOT's *Reader-Friendly Tool Kit*. WSDOT has prepared the *Reader-Friendly Tool Kit* as a guide for EIS/EA and discipline report managers, coordinators, and writers to make environmental documents easier for the public to read and understand. The kit includes specific tools for developing a EISs, EAs and discipline reports. The tool kit is available online at:

 <http://www.wsdot.wa.gov/environment/compliance/ReaderFriendly.htm>

It is expected that by July 1, 2005 projects will implement the basic concepts of the *Reader-Friendly Tool Kit* and by January 1, 2006 all WSDOT EISs and EAs will use the reader-friendly document template, with few exceptions to be determined on a case-by-case basis after consulting with the Environmental

Services Office. Please see the tool kit at the on-line address above for more specific information.

Some examples of well-formatted environmental impact statements, environmental assessments, and other environmental documents are available at:

 [http://www.wsdot.wa.gov/environment/compliance/NEPA\\_SEPA.htm](http://www.wsdot.wa.gov/environment/compliance/NEPA_SEPA.htm)

**Figure 411-1: Generalized Content Organization for EISs under NEPA and SEPA**

**Federal (NEPA)**

Cover Sheet	Summary	Table of Contents	Purpose of and Need for Action	Alternatives Including the Proposed Action	Affected Environment	Environmental Consequences including (among others): <ul style="list-style-type: none"> <li>• Mitigation Measures</li> <li>• Unavoidable adverse impacts</li> <li>• Short-term Uses vs. Long-term productivity</li> <li>• Irreversible &amp; Irretrievable Commitment of Resources</li> <li>• Growth-inducing impacts</li> <li>• Cumulative Impacts</li> </ul>	List of Preparers	Distribution List	Index	Appendices
-------------	---------	-------------------	--------------------------------	--	----------------------	--	-------------------	-------------------	-------	------------

**Washington (SEPA)**

Cover Letter or Memo	Fact Sheet	Table of Contents	Summary	Alternatives Including the Proposed Action	Affected Environment, Significant Impacts, and Mitigation Measures  Includes similar contents as NEPA but does not require discussion of short-term use vs. long-term productivity or irreversible commitments of resources	Distribution List	Appendices
----------------------	------------	-------------------	---------	--	---	-------------------	------------

\* Note: The most important sections of an EIS are shaded for comparison. Note that SEPA combines the discussion of the affected environment, proposal impacts, and mitigation measures in one section.

(Source: Adapted from Diori L. Kreske, Environmental Impact Statements: A Practical Guide for Agencies, Citizens, and Consultants.)

**Table 411-2: Comparison of NEPA and SEPA Elements of the Environment**

SEPA (WAC 197-11-444 & 448)	NEPA (FHWA T 6640.8A)	Permits	Manual Reference
<b>NATURAL ENVIRONMENT</b>			
Earth Geology; Soils; Topography; Unique Physical Features; Erosion.	Construction Impacts.	Critical Areas Review.	420
Air Air Quality; Odor; Climate.	Air Quality.	Regional Air Quality Authorities (permit/concurrence, point source-emissions, traffic related-concurrence).	425
Water Surface; Runoff; Flood; Groundwater; Public Water Supply.	Water Quality, Floodplain, Water Body Modifications.	Section 10 Permit, NPDES, 401 Water Quality Certification, Floodplain Analysis, 404 Permit, USCG Section 9 Permit.	431 432 433
Plants & Animals Habitat; Eelgrass; Unique Species; Migration Routes.	Wetlands, Threatened & Endangered Species, Wildlife.	404 Permit, Section 10 Permit, ESA Section 7 consultation, HPA, Critical Areas Review, Shoreline Permit, Forest Practices Application.	436 437
Energy & Natural Resources Amount Used; Source/ Availability; Non-renewable; Conservation & Renewable Resources; Scenic Resources.	Energy, Local Short-Term vs. Long- Term Productivity, Irreversible and Irretrievable Commitment of Resources.		440 480
<b>BUILT ENVIRONMENT</b>			
Environmental Health Noise; Risk of Explosion; Hazardous Materials.	Noise, Hazardous Waste Sites, Construction Impacts		446 447
Land & Shoreline Use Land Use Plans/Population; Housing; Light & Glare; Aesthetics; Recreation; Historical/Cultural; Agricultural, Social Impacts, Economic Impact.	Land Use, Farmland, Coastal Barriers, Coastal Zone Impacts, Historical/Archaeological/ Cultural, Visual, Joint Development, Social Impacts, Economic Impact, Environmental Justice, Wild & Scenic Rivers, Relocation	Local land-use and shoreline permits.	450- 459
Transportation Transportation Systems; Vehicular Traffic; Water, Rail & Air Traffic; Parking; Movement of People or Goods; Traffic Hazards.			460
Public Services & Utilities Fire; Police; Schools; Parks/ Recreational; Maintenance; Communications; Water/ Stormwater; Sewer/Solid Waste; Other.		Local utility approval.	470
Secondary and Cumulative Impacts	Cumulative Impacts		480

(3) ***Elements of the Environment***

**Table 411-2** compares the elements of the environment to be considered under NEPA, SEPA, and other state and federal legislation, with references to sections of this manual where guidance on analyzing each type of impact can be found. See also **Appendix F** for a complete list of environmental permits and approvals required for transportation projects.

In addition to NEPA requirements, Section 4(f) of the Department of Transportation Act applies to projects affecting publicly owned parks, recreation areas, wildlife and waterfowl refuges, and historic sites. Section 6(f) of the Land and Water Conservation Funds Act applies to conversion of outdoor recreation property acquired or developed with grant assistance from an Interagency Committee for Outdoor Recreation. For guidance on preparing Section 4(f) and Section 6(f) evaluations, see **Section 411.12** and **Section 455.05**.

(4) ***Purpose and Need Statement***

The purpose and need section is in many ways the most important section of an environmental impact statement. It explains to the public and decision makers that the expenditure of funds is necessary and worthwhile and that the priority the project is being given relative to other needed highway projects is warranted. In addition, although significant environmental impacts may result from the project, the purpose and need section should justify why impacts are acceptable based on the project's importance. It demonstrates problems that exist or will exist if a project is not implemented, and drives the process for alternative consideration, analysis, and selection of the preferred alternative. It should clearly demonstrate that a "need" exists and should define the "need" in terms understandable to the general public.

Various elements of purpose and need can be explored for any given project, including such concerns as mobility, safety, or economic development.

(5) ***Alternatives to the Proposal***

The EIS includes a comparison of impacts for different alternatives. The DEIS must evaluate a range of alternatives to the action and discuss why other alternatives that may have been considered were eliminated from detailed study.

SEPA rules require that reasonable alternatives include actions that could feasibly attain or approximate the objectives of a proposal, but at a lower environmental cost or decreased level of environmental degradation.

(a) ***Typical Alternatives***

Alternatives normally include the following:

- The no-action alternative, including routine maintenance and repair (such as safety improvements) that are part of routine operation of an existing roadway, and continued operation of the existing roadway system. This alternative does not include improvements that would increase capacity through widening an existing structure or roadway segment, or change the footprint of the structure or roadway prism. The consequences of the no-action alternative must be considered. The no-action alternative establishes a baseline condition for



comparison with the other alternatives, which can be considered in order to fulfill the purpose of the project.

- Alternatives to improve the existing facility, including resurfacing, restoration, and rehabilitation (3-R) plus reconstruction (4-R) types of activities, high occupancy vehicle (HOV) lanes, park and ride facilities, and other minor improvements.
- Multimodal alternatives, including public transit, rail, water, and air transportation, or other modes of transportation dictated by the characteristics of the study area. These may be under the jurisdiction of other lead agencies and require early coordination.
- Alternative routes and/or locations.
- A combination of the above alternatives.

**(b) NEPA Criteria**

Identifying and studying alternatives to a proposal is the key to the NEPA process objective of finding transportation solutions that help preserve and protect the value of environmental and community resources. Evaluation of alternatives should present the proposed action and all the alternatives in comparative form, to define the issues and provide a clear basis for choice among the options. CEQ implementing regulations (40 CFR 1502.14) call the alternatives analysis section the "heart of the EIS," and require that agencies shall:

- Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives that were eliminated from detailed study, briefly discuss the reasons for eliminating them.
- Devote substantial treatment to each alternative considered in detail, including the proposed action, so reviewers may evaluate their comparative merits.
- Include reasonable alternatives not within the jurisdiction of the lead agency.
- Include the alternative of no action.
- Identify the agency's preferred alternative or alternatives, if one or more exists, in the draft EIS and identify such alternative in the final EIS unless another law prohibits the expression of such a preference.
- Include appropriate mitigation measures not already included in the proposed action or alternatives.

For FHWA guidance on alternatives, see:

 <http://www.fhwa.dot.gov/>

Click on FHWA Programs, then Environment, then NEPA: Project Development, then Transportation Decisionmaking, then Development and Evaluation of Alternatives.

Or by direct link:

 <http://www.fhwa.dot.gov/environment/alts.htm>

**(c) SEPA Criteria**

The SEPA Rules (WAC 197-11-440(5)) require the EIS to describe and present the proposal (or preferred alternative, if one or more exist) and alternative courses of action. The rules include the following guidance:

- Reasonable alternatives shall include actions that could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation.
- The word "reasonable" is intended to limit the number and range of alternatives, as well as the amount of detailed analysis for each alternative.
- The "no-action" alternative shall be evaluated and compared to other alternatives.
- Reasonable alternatives may be those over which an agency with jurisdiction has authority to control impacts either directly, or indirectly through requirement of mitigation measures.

**(6) Affected Environment**

CEQ regulations (40 CFR 1502.15) require EISs to succinctly describe the environment of the area(s) to be affected by the alternatives under consideration. Descriptions should be no longer than is necessary for the reader to understand the relative impacts of the alternatives. Data and analysis should be commensurate with the importance of the impact, with less important material summarized, consolidated, or simply referenced.

**(7) Analysis of Impacts**

Under CEQ regulations (CFR 1502.16) the EIS discussion of impacts forms the scientific and analytical basis for comparisons of alternatives. It consolidates the results of discipline reports (see [Section 411.10](#)) prepared by Regional Offices and Divisions.

The EIS must discuss impacts on the natural environment (air, water, land). As appropriate, the EIS must also discuss impacts on urban quality, historical and cultural resources, and the design of the built environment, including reuse and conservation potential of various alternatives and mitigation measures. For detailed guidance, see [Chapter 420](#) through [Chapter 470](#).

Impacts must be discussed for each alternative, and summarized in comparing the relative impacts of the alternatives including the proposal (CEQ 1502.14). For each alternative, the energy, natural and depletable resource requirements and conservation potential must be discussed.

The EIS should discuss in general terms the relationship of local short-term impacts and use of resources, and the maintenance and enhancement of long-term productivity, and the irreversible and irretrievable commitment of resources resulting from the proposed action. For guidance on this discussion, see [Section 480.05](#).

Both NEPA and SEPA require analysis of direct, indirect, and cumulative impacts. For example, a direct impact would be that a new highway will result in filling a wetland; an indirect impact would be that the highway will encourage

increased development because of improved access; a cumulative impact would be that increased runoff and contaminants from the highway would be added to the volume and level of runoff from all other feasible and future actions. For guidance on analysis of cumulative impacts, see [Section 480.05](#).

Impacts may be temporary, such as the short-term impacts associated with the Construction phase of a project, or permanent, such as the long-term impact of increasing runoff and contamination from a widened highway. A summary of significant adverse impacts remaining after mitigation should follow the discussion of all impacts.

**(8) Mitigation of Adverse Impacts**

The EIS also must discuss the proposed means to mitigate the identified adverse environmental impacts. Under CEQ regulations (40 CFR 1508.20), mitigation may include:

- Avoiding the impact altogether.
- Minimizing impacts by limiting the scale of the action.
- Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
- Reducing or eliminating the impact over time by preservation and maintenance operations.
- Compensating for the impact by replacing or providing substitute resources or environments.

For FHWA guidance on mitigation, see:

 <http://www.fhwa.dot.gov/>

Click on FHWA Programs, then Environment, then NEPA: Project Development Process, then Transportation Decisionmaking, then Mitigation and Enhancement of the Environment.

Or by direct link:

 <http://www.fhwa.dot.gov/environment/mitig2.htm>

**(9) Documenting Environmental Benefits**

Typically, environmental documents do a great job documenting adverse effects associated with a project. Most documents don't do a good job documenting WSDOT's efforts to avoid or minimize negative environmental effects as part of project development. It's important to document both positive and negative effects that may be caused by a project. Why would WSDOT undertake a project that only had negative effects? If benefits are not discussed in the document, readers don't get a full and accurate picture of the projects net effects.

Many benefits may result from a proposed project. Perhaps the project will decrease congestion. Decreased congestion may improve air quality and travel time. Maybe the project improves water quality by upgrading the existing stormwater system or providing treatment where it is currently not provided. If possible, engineers or the environmental lead should keep a list of adverse effects that were avoided or minimized as part of project development. As the team

develops the EIS/EA and discipline reports, make sure to document benefits associated with the project and clearly present them in the EIS/EA.

## **411.10 Discipline Reports**

Discipline reports are prepared by Regional Offices and Divisions to document environmental studies and investigations. The reports form the basis for environmental documents such as EAs, EISs, and Section 4(f) evaluations. The reports describe the affected environment and detail the probable environmental impacts of project alternatives. A reasonable range of alternatives identified by the project manager and IDT need to be studied in the same level of detail.

Not all elements of the environment will require a full Discipline Report. For elements where there will be no impact, this finding should be documented in the form of a technical memo. For guidance on how to determine whether a Discipline Report is required or whether a technical memo will suffice, see [Chapter 420](#) through [Chapter 470](#), in the Technical Guidance section under Discipline Reports.

The technical portion of the discipline report provides evidence that all major potential impacts have been considered, presents information to support findings of significant impacts, and demonstrates clearly that the study is in compliance with the requirements of environmental law. Reports should only present factual data or expert opinion that is defensible in court.

Once the report is written, the expert develops a summary that incorporates all the key areas pertinent to the discipline study. These summaries become the basic components of the environmental document. The summary shall be written for the decision makers(s) and the average citizen rather than for experts in the field or for scientist.

Where a discipline report serves as the basis for a section of the EIS, it should be incorporated by reference in that section, in addition to being referenced in the bibliography. As required by WAC 197-11-635, the reports are individually identified by author, date, and subject matter; their location is identified; they are summarized in the EIS; and they are made available for public review along with the EIS. Include the statement, "This report is incorporated herein by reference."

WSDOT has prepared discipline report checklists for most elements of the environment. See exhibits in [Chapter 420](#) through [Chapter 470](#). For elements where there is no discipline report, general guidance is given in those chapters.

### **(1) Data Collection, Inventory, and Evaluation**

The IDT develops an inventory of social, economic, environmental, and engineering data. The information is used to define the affected environment, predict and analyze impacts, help select the least environmentally damaging alternative, serve as a database for future environmental documents, and provide information to other agencies, interest groups, and individuals. [Chapter 420](#) through [Chapter 480](#) and FHWA Technical Advisory T 6640.8A give detailed guidance on the type of information, depth of study, and procedures used in collection, inventory, and evaluation of data required for environmental documents. The FHWA Technical Advisory is online at:

 <http://www.fhwa.dot.gov/>

Click on Legislation and Regulations, then FHWA Directives and Policy Memorandums, then FHWA Technical Advisories, then T6640.8A.

Or by direct link:

 <http://www.fhwa.dot.gov/legsregs/directives/techadvs/t664008a.htm>

Relevant information can come from any source inside or outside WSDOT. It can be published data, project inventories, or data from field observations. In some cases, new data must be obtained by on-site monitoring, sampling, or measuring ambient conditions. Data gathering from local agencies should be coordinated with the project manager so the Region can consolidate requests.

Other data sources include WSDOT's GIS Workbench and previously published EISs, which can be accessed as described below.

Useful information may be obtained from the WSDOT GIS Workbench, a GIS interface for internal WSDOT users only. It has numerous layers of environmental and natural resource management data. WSDOT works with federal, state, and local agencies to maintain a collection of the best available data for statewide environmental analysis. For information on how to access the GIS Workbench, see:

 <http://www.wsdot.wa.gov/environment/envinfo/default.htm>

## **(2) Report Outline**

After data has been collected, inventories compiled, and analyses completed, each discipline prepares a formal discipline report.

All discipline reports are developed in a similar format so they can be easily adapted to the needs of the environmental document. Generally, discipline reports contain the following:

- Summary of findings, impact conclusions, and mitigation recommendations.
- Background discussion on why the particular expertise area is critical to this project, such as what the resource is, and its location.
- Study methodology.
- Coordination with other groups or agencies.
- Affected environment (existing conditions) particular to the resource.
- Predicted impacts of each alternative.
- Mitigation recommended for construction and operational impacts.
- Indirect impacts (when appropriate).
- Bibliography.

Each of the above topics should be addressed, but when information is brief, they may be combined.

Before developing the report, the EIS or EA outline should also be reviewed, so significant details required for the environmental document are not overlooked.

**(3) Report Summary**

The report summary presents significant findings and recommendations in non-technical terms. The summary should be suitable for incorporation into the environmental document and for presentation at public hearings or use by management and policy groups in decision making.

The information contained in the environmental document is the responsibility of the expert who developed the report and not the environmental document writer. Therefore, good summaries that can be taken directly from discipline reports to the environmental document are important.

**(4) Draft Report**

Prepare the draft report in accordance with the time schedule and scope of detail identified by the project manager.

Draft discipline reports are normally reviewed by several independent “discipline specialists” other than the primary author of the report. The purpose of this review is to ensure an independent evaluation of the technical accuracy and completeness of the draft report. The ESO Compliance Branch maintains an on-call list of discipline specialists who are available to conduct an independent review. For assistance in conducting an independent review of discipline reports, contact the Compliance Branch.

**(5) Review of Discipline Reports**

The project manager and IDT review all discipline reports and comments by discipline specialists. They can use the review template ([Exhibit 411-7](#)) to electronically compile and sort comments and track how each comment is addressed. Using this tool has the advantages of:

- Encouraging the use of line numbers in draft documents to facilitate review and response.
- Saving time, since the project team does not have to guess at the level of importance of each comment.
- Providing a concise way to document the comments and how they were addressed.
- Giving feedback to reviewers in the form of a complete summary of comments and how they were addressed.
- Encouraging consistency with WSDOT’s *Reader-Friendly Document Toolkit* (see [Section 411.02](#)).

Based on their review of the discipline reports, the project manager and IDT can discuss tradeoffs among alternatives and develop a preliminary recommendation.

The ESO encourages project managers to ask reviewers to use a standard template such as the one in [Exhibit 411-7](#) to record and prioritize comments in a consistent format. Report reviewers can use the template to succinctly summarize each comment and rank its importance. The template is online via the ESO Compliance Branch web site:



[http://www.wsdot.wa.gov/environment/compliance/NEPA\\_SEPA.htm](http://www.wsdot.wa.gov/environment/compliance/NEPA_SEPA.htm)

Submit the draft report to the project manager requesting his/her review to confirm that engineering detail in the report is correct and the Region accepts any proposed mitigation. This submittal may be informal but should be documented.

**(6) *Final Discipline Report***

Prepare the final report, incorporating the project manager or Region's comments. The report summary should be reevaluated against the needs of the environmental document outline so adequate and correct information is included in the document. The completed report is formally sent to the project manager. Copies should also be sent to the environmental document writer in the Region or Environmental Services Office.

**(7) *Public Record***

Most discipline reports become public record and part of an Administrative Record if one is prepared. Reports prepared for areas of high controversy or significant impact may be incorporated into an environmental document in their entirety as an appendix. All reports are kept in the project record for backup detail and future reference. Certain reports, or aspects of reports, may not be subject to public record or disclosure. Pursuant to Section 304 of the National Historic Preservation Act, implemented through CFR 800.11(c), a "...public official receiving grant assistance pursuant to the Act, after consultation with the Secretary, shall withhold from public disclosure information about the location, character, or ownership of a historic property when disclosure may cause a significant invasion of privacy; risk harm to the historic property; or impede the use of a traditional religious site by practitioners." (See [Chapter 456](#).)

## **411.11 WSDOT Internal Documents**

This section describes three types of internal documentation efforts that will assist project teams in managing and record-keeping:

- Study Plan
- Preliminary and Final Recommendations
- Administrative Record

**(1) *WSDOT Study Plan***

The Study Plan is an outline, or "road map," of the environmental process to be followed during the development of a project that requires an EIS. It describes the scope of the proposed project, alternatives that would satisfy the goals of the proposed action, and environmental issues to be studied, and it includes a Public Involvement Plan. A Sample Public Involvement Plan is shown in **Exhibit 410-1**.

Preparation of the Study Plan occurs in two phases. Immediately after the IDT has identified the project alternatives and environmental issues, the project manager prepares a Draft Study Plan. This Draft Study Plan is used during presentation of the proposed project to affected or interested resource agencies and environmental discipline experts. The project manager then revises the Draft Study Plan to include agency and/or discipline expert concerns, develops personnel requirements, and prepares the Final Study Plan for approval.



An example Study Plan, along with its Public Involvement Plan, can be found on the following WSDOT web site:



[http://www.wsdot.wa.gov/environment/compliance/comp\\_examples.htm](http://www.wsdot.wa.gov/environment/compliance/comp_examples.htm)

**(a) Draft Study Plan**

The Draft Study Plan should be prepared as soon as possible after the IDT has identified the project alternatives and environmental issues to be studied in the DEIS. The Draft Study Plan should include the following information:

1. Title sheet
  - a. Project title
  - b. Date
  - c. Approval date and signature of:
    - Team chairperson
    - Agency administrator
2. Vicinity map
3. Need and purpose
  - a. Need (known deficiencies)
  - b. History (if applicable)
  - c. Purpose of project
  - d. How proposed project will satisfy the need
4. Scope of work
  - a. Interdisciplinary approach (brief description of how the team will use interdisciplinary information to reach decisions)
  - b. Alternatives
  - c. Public involvement summary (to date)
  - d. Brief description of areas of primary importance and significant controversy
5. List of co-lead and cooperating agencies
6. Dates and locations
  - a. List of studies to be prepared and disciplines involved
  - b. IDT members, project manager, and IDT chairperson
  - c. Education and experience of all expertise in format required for EIS
7. Project schedule milestones (Including NEPA Negotiated Timeframes)
8. Date and location of scoping meetings
9. Appendix: Public involvement plan

As with any draft document, the Draft Study Plan is subject to revision. The Draft Study Plan is a statement of the best available information at this stage of project development.

**(b) Final Study Plan**

The Final Study Plan incorporates feedback from resource agencies and discipline experts. It defines the scope of the project, alternatives to be



studied in the DEIS, the scope and level of analysis to be conducted for each discipline study, and the public involvement plan. The submittal of the Final Study Plan occurs just after the IDT gives its Preliminary Recommendation on which alternatives to study in the EIS and usually prior preparing discipline studies. The IDT and the Regional Administrator must approve the Final Study Plan. These approvals should be obtained before the discipline reports are finalized.

**(2) Preliminary and Final Recommendations**

Preliminary and final recommendations are formal statements from the project manager and IDT to the Regional Administrator and WSDOT Director of Environmental and Engineering Programs. They form the basis for the DEIS and FEIS.

The project manager prepares the preliminary and final recommendations after discussion with the IDT. If the IDT cannot agree on certain items, this should be documented in the preliminary and final recommendation. A minority report may be prepared.

The preliminary and final recommendations are submitted to the Regional Administrator for concurrence. The Regional Administrator then submits the recommendation to the Environmental Services Office (ESO) for review and approval.

**(a) Preliminary Recommendation**

The preliminary recommendation is a concise description of significant impacts and alternatives to be evaluated in the DEIS. Reviewing the preliminary recommendation offers regional and HQ management the opportunity to make revisions before the DEIS is prepared. Proposals or concepts that may appear logical to the IDT or individual experts may not fit well from a larger perspective. Once approved, the preliminary recommendation forms the basis for preparation of the DEIS. An example is available online at the following WSDOT web site:

 [http://www.wsdot.wa.gov/environment/compliance/comp\\_examples.htm](http://www.wsdot.wa.gov/environment/compliance/comp_examples.htm)

The preliminary recommendation should be prepared as soon as project impacts are known. Normally, this occurs after the preliminary discipline reports have been received and evaluated, and before preparing the preliminary DEIS. The IDT considers all environmental and design information and coordinates with the appropriate engineering sections in selecting alternatives to be studied in the DEIS.

A late preliminary recommendation can result in wasted time, effort, and money if a DEIS needs to be revised; or in unwise or costly commitments that could have been avoided.

The preliminary recommendation includes:

- Description of alternatives to be considered in the DEIS.
- Preferred alternative if one exists, and why it was chosen.
- Significant impacts and possible mitigation.

- Controversial areas and coordination proposed to resolve them.
- Any changes in the proposal as originally defined in the study plan, and why changes were made.

**(b) Final Recommendation**

The project manager and IDT review all comments received on the DEIS and develop a final recommendation, which is a concise description of the preferred alternative, significant impacts, and mitigations to be covered in the FEIS. In general, two to four pages are sufficient for a final recommendation. Additional pages may be required for complex or controversial projects.

The final recommendation offers regional and ESO management the opportunity to review the recommendation after all comments have been considered and to make revisions before the FEIS is prepared. Once approved, the final recommendation forms the basis for preparation of the FEIS.

The Regional Office reviews comments received at the public hearing(s) and on the DEIS. The Interdisciplinary Team and the project manager prepare a final recommendation after evaluating these comments.

The final recommendation includes:

- Description of the preferred alternative and why it was selected.
- Significant adverse impacts and proposed mitigation.
- Monitoring or enforcement programs required to ensure implementation of mitigation measures.

**(3) Administrative Record**

The administrative record is a formal statement of the basis for a project decision. Its primary use is to document the reason for the project decision. It reflects the project history, environmental evaluation, and prior decision making on the project. The administrative record should also include criticism and responses to agency and public comments to document that opposing views were considered.

**(a) When to Prepare**

All projects must be documented to support key decisions. A formal administrative record must be prepared for projects requiring an EIS where substantial controversy exists, and may be prepared for other projects. Project files on all projects should be kept in an orderly manner throughout the life of the project, whether or not an administrative record is prepared. Also, as decisions are made on the project, they should be recorded and filed.

**(b) Administrative Record Contents**

An administrative record should contain all federal, state, regional, or local actions. These include corridor approval, corridor adoption, design approval, other Transportation Commission actions, and Region-approved transportation master plans or programs. It may also contain other related material.

The administrative record should contain the following elements, as applicable, in chronological order:

- Table of contents
- Project prospectus
- Environmental Classification (ECS)
- Regional transportation plans or studies
- Route studies
- Study plan
- Notice of intent
- Minutes of scoping meeting(s)
- Each Interdisciplinary Team meeting minutes and recommendations
- Draft and final recommendation
- Agency meeting minutes and phone call summaries
- Comments from public open houses
- Public hearing transcript
- Letters from agencies or the public and responses to them
- Interoffice communications relating to project development
- Discipline reports
- Draft and final EIS
- Copy of all references cited in the DEIS and FEIS
- Official notices
- Record of decision
- Corridor, design, and access plan approvals
- Affidavit of publication of notice of action
- Other relevant evidence such as local zoning or planning reports, government studies, questionnaires, or university studies.

The administrative record need not include every item in the project file. Generally, items that do not relate to a major project decision, it should not be included. The Attorney General's office should be consulted during the preparation process.

## **411.12 Section 4(f) and Section 106 Documents and Procedures**

### **(1) Section 4(f) Evaluation**

When a project involves Title 23 federal funding and requires the use of any publicly owned land from a park, recreation area, wildlife or waterfowl refuge, or a cultural resource site on or eligible for the National Register of Historical Places, a Section 4(f) evaluation must be included in a separate section of the EA or EIS. A separate evaluation is prepared for each location within the project where the use of Section 4(f) property is being considered. For details, see [Section 455.05](#). [Exhibit 455-1](#) is the Discipline Report checklist for 4(f) evaluations; [Exhibit 455-2](#) is an evaluation outline.

The DEIS/Section 4(f) evaluation report must be circulated to the Secretary of the U.S. Department of the Interior for a 45-day review and comment period. When appropriate, the U.S. Secretary of Housing and Urban Development and the Secretary of Agriculture are also given an opportunity to review the proposal. When a Section 4(f) property is identified after the DEIS and/or FEIS has been processed, a separate Section 4(f) evaluation is prepared, circulated for comment, and finalized.

**(a) Contents (Draft & Final)**

The Section 4(f) document should include the sections listed below.

- **Introduction** – Include the following statement: “Federal regulations prohibit the FHWA from using land from a significant publicly owned park, recreation area, wildlife or waterfowl refuge, or from a significant historical site. An exception occurs if the United States Secretary of Transportation makes a determination that (1) there is no feasible and prudent alternative to the use of such land; and (2) the proposed action includes all possible planning to minimize harm to the property.” Feasible is defined as being possible to construct using sound engineering practices. It disregards limitations and cost. Prudent is defined as not involving extraordinary cost or community disruption.
- Description of Action.
- Description of 4(f) Resource – with figure(s) showing the entire resource.
- Impacts on the Resource – resulting from construction and/or operation.
- Avoidance Alternatives – can refer to and incorporate discussion from EIS.
- Measures to Mitigate Harm – Detailed discussions of mitigation measures in the EIS or EA may be referenced and appropriately summarized, rather than repeated.
- Record of Coordination – Include information on all agencies contacted. As applicable, include: Department of Interior, Regional Office of HUD, USDA, Forest Supervisor of the affected National Forest, SHPO, local agency with jurisdiction. Include the National Park Service position on the land transfer if Section 6(f) land is impacted.
- **Conclusion (FEIS only)** – The conclusion that there are no feasible and prudent alternatives is not addressed at the draft Section 4(f) evaluation stage. Such conclusion is made only after the draft Section 4(f) evaluation has been circulated and coordinated and any identified issues adequately evaluated. With the FEIS include this concluding statement: “Based upon the above considerations, there is no feasible and prudent alternative to the use of land from the [identify Section 4(f) property] and the proposed action includes all possible planning to minimize harm to the [Section 4(f) property]

resulting from such use.” (Source: FHWA Technical Advisory T 6640.8A.)

**(b) Section 4(f) Inventory Questions**

Avoiding impacts to possible 4(f) resources is a prime concern as alternatives are defined and design decisions are made. To document an inventory of existing recreational resources within the study area, request the owner agency for information on the areas of interest below.

- Provide a detailed map or drawing of sufficient scale to identify the resources on your property.
- What is the size (in acres or square feet) and location (maps, sketches) of the resources?
- What is the type or nature of the property (e.g., recreation, boat launch, historic, passive recreation)?
- What is the function of or what are available activities on the property (e.g., swimming, golfing, baseball, picnic table)?
- Describe and locate all existing and planned facilities on your map/sketch (tennis courts, baseball diamonds, picnic table, restroom, etc.). Are the parcels part of any existing or proposed State Recreation Master Plan?
- What is the access (pedestrian and vehicles), and usage (e.g., approximate number of users/visitors) in a time period of the owner’s choice?
- Is there a relationship to other similarly used public lands in the vicinity?
- Are there any applicable clauses affecting ownership, such as lease, easement, covenants, restrictions or conditions, including forfeiture?
- Are there any unusual characteristics (flooding problems, terrain conditions, or other features) that either reduce or enhance the value of all or part of the property?
- Has the acquisition of land or any improvements to the resource used funds from the Land and Water Conservation Fund Act of 1965, administered by the Interagency Committee for Outdoor Recreation (IAC)?

**(c) Nationwide 4(f) Programmatic Evaluations**

The following categories of impact on 4(f) resources can use a programmatic 4(f) evaluation if certain requirements are met:

- Minor involvement with public parks, recreation lands, and wildlife and waterfowl refuges.
- Minor involvement with historic sites.
- Use of historic bridges.
- Independent bikeway or walkway construction projects.

For details, see [Section 455.05](#).

**(d) Final Section 4(f) Evaluation**

When the selected alternative involves the use of Section 4(f) property, a Section 4(f) evaluation is included as a separate section in the FEIS. Ensure that the proper procedures are followed as stated in the Memorandum of Agreement with the Council on Historic Preservation. See [Section 456.04](#). The agreement is online via the ESO Compliance Branch web site:

 <http://www.wsdot.wa.gov/environment/compliance/agreements.htm>

**(e) Circulation of Section 4(f) Evaluations**

Normally, Section 4(f) evaluations are included in an EA or EIS and are circulated with the environmental document. If an EA is involved, the draft 4(f) evaluation is combined and issued with the EA. After the environmental hearing and comment period, the final 4(f) evaluation is combined and issued with the FONSI as a public document.

If a Section 4(f) evaluation is processed separately, it should be sent to WSDOT's Environmental Services Office. The Environmental Services Office reviews the evaluation. FHWA approval to print is demonstrated by its signature on the title page, possibly with a short list of minor changes to make prior to printing. The region should distribute the document to officials having jurisdiction over the Section 4(f) property, and to the U.S. Department of Housing and Urban Development and the U.S. Department of Agriculture when these agencies have an interest in or jurisdiction over the affected Section 4(f) resource (23 CFR 771.135(i)). The Section 4(f) evaluation report, along with any supporting expertise reports, must be circulated to the Secretary of the U.S. Department of the Interior for a 45-day review and comment period.

**(2) Section 106 – Historic and Cultural Resources**

Section 106 of the Historic Properties Act applies to transportation projects affecting a historic property listed on or eligible for listing on the National Historic Register. Special provisions apply to the use of historic bridges for highway projects. Under the Archaeological Resources Protection Act, projects that involve the acquisition of right of way or excavation within existing right of way may need to be surveyed and inventoried to determine if cultural resources exist. See [Section 456.05](#) for details.

Section 106 property may also meet the requirements for a Section 4(f) evaluation if it has been determined that the proposed project will have an adverse effect on the site. In this case, one document, the Section 106 Preliminary Case Report and Draft Section 4(f) evaluation, will satisfy the requirements of both laws. For details, see the *Federal Register*, Vol. 64, No. 95, May 18, 1999 – Rules and Regulations for Part 800, Protection of Historic Properties for more information.

The need for protection of a Section 106 historic resource is documented by preparing a Determination of Eligibility and Determination of Effect. Both documents are processed through the State Historic Preservation Officer

(SHPO) for concurrence. Section 106 requires consultation with affected tribes at the beginning of the project and throughout the project.

## **411.13 Re-Evaluations and Supplemental Documents**

NEPA provides for the re-evaluation of final environmental documents based on the criteria outlined below. WSDOT or FHWA can initiate a NEPA re-evaluation. FHWA will likely re-evaluate the environmental documentation at key points of the project development: Final Design, Right of Way Acquisition, and Construction. The FHWA Area Engineer may make an informal inquiry with a note to the project file or request that the project office complete a re-evaluation form.

For regulatory guidance, see 23 CFR 771.129–130, FHWA Technical Advisory T 6640.8A, Sections XI and XII, and WAC 197-11-600(4), 620, 625.

### **(1) Re-Evaluations**

For NEPA implementing regulations on project reevaluations, see 23 CFR 771.129.

#### **(a) When is a NEPA Re-Evaluation Is Required?**

A NEPA reevaluation is required when any one of the following conditions exist:

- There is a substantial change in project scope or proposed action and it is uncertain if a supplemental environmental document is required. Examples include:
  - Added access that will likely require at a minimum a review of the traffic, air quality, and noise impacts.
  - Shifts in the alignment or location of the facility.
- When any change in laws or regulations (federal, state, or local) occurs where the protected resources are impacted by the project (such as listing a new species under ESA).
- Major steps to advance the project (such as approval of final design, approval to acquire a substantial portion of the right of way, or approval of PS&E) have not occurred within three years from a ROD, FONSI, or issuance of the environmental document. Factors that may contribute to the need for a reevaluation include:
  - Aged traffic analysis--A full analysis may not be required if it can be demonstrated that traffic data has not substantially changed.
  - Age of wetland delineation or other natural area analysis is older than three years.
- An acceptable FEIS has not been submitted to FHWA within three years from the date of DEIS circulation (23 CFR 771.129(b)).

#### **(b) How are NEPA Re-evaluations Documented?**

A reevaluation can be as simple as a note to FHWA's project files. Or it may include the completed NEPA re-evaluation form with supporting documentation. However, a reevaluation is not a supplemental environmental document so

detailed studies and discipline reports should not be done unless the FHWA Area Engineer requests that a supplemental environmental document be prepared. At most, technical memorandums should be sufficient to establish whether further studies or environmental documentation is needed.

Written re-evaluations usually begin with use of WSDOT's Reevaluation/Consultation Form (See Exhibit 411-8). The answers to the questions should be brief and to the point. A short explanation, two to three sentences, should only be provided when the check box answer to the question is yes. Any additional information required to explain changes in environmental impacts or to support a conclusion should be attached to this form. An optional method is to combine the form and any supplemental information into a single document.

**(c) Federal Review and Approval**

The Regional Office forwards the re-evaluation for review and approval to the same federal office that approved the original EIS. If, after reviewing the written re-evaluation, the FHWA or other federal lead agency concludes that a supplement to the DEIS or a new DEIS is not required, the decision should be appropriately documented and included in the project file. If the next major step in the process is preparation of a FEIS, the FEIS may be used to document the decision. The conclusions reached and any supporting information should be briefly summarized in the summary section of the FEIS. Public involvement is not part of the re-evaluation process.

**(d) SEPA Reevaluation Procedures**

If changes occur to a project or its surroundings or if potentially significant new or increased adverse environmental impacts are identified during other phases of project development, the approved document or exemption designation must be reevaluated. SEPA has no specific requirements for reevaluation, but the reevaluation should be accomplished in a manner similar to that described for NEPA projects. The Regional Office determines if the approved environmental documentation or exemption designation is still valid.

**(2) Supplemental Environmental Documents**

The FHWA Area Engineer will determine when a NEPA supplemental document is required. Supplemental documents are generally required when there is a substantial change in the project scope or project's selected alternative, when a new alternative outside the scope of the ones considered in the original analysis is being considered, or when impacts/mitigation requirements have substantially changed since issuance of the documents.

For NEPA projects, supplemental documentation may be a supplemental DEIS, a new DEIS, the addition of new or additional information in a FEIS, or an EA (23 CFR 771.130 and CEQ 40 CFR 1502.9). For SEPA projects, a supplemental EIS, (SEIS) or an addendum to the DEIS or FEIS may be required (WAC 197-11-620).



**(a) Contents**

There is no required format for a NEPA SEIS, however the FHWA Technical Advisory T 6640.8A on pages 49 and 50 directs that following information should be supplied:

- Sufficient information to briefly describe the proposed action.
- The reason why the SEIS is being prepared.
- Status of previous DEIS or FEIS.
- Only address changes that required the SEIS to be written and new information that was not available.
- Reference and summarize previous EIS as appropriate.
- Update status of compliance with NEPA and the results of any re-evaluations.

**(b) Review and Distribution**

Supplemental environmental impact statements shall be reviewed and distributed in the same manner as DEISs and FEISs. Scoping is not required for NEPA SEIS documents. Scoping is optional under SEPA.

WSDOT's mandatory protocol for approval of environmental documentation includes steps for obtaining approval, and procedures for pre-briefing and formal signature briefing. ESO Compliance Branch staff is available to assist in completing the approval process. The protocol is in [Exhibit 411-2](#).

## **411.14 Exhibits**

[Exhibit 411-1](#) – NEPA/SEPA Process Flowcharts.

[Exhibit 411-2](#) – Protocol for WSDOT Approval of Environmental Documentation.

[Exhibit 411-3](#) – Environmental Assessment Outline.

[Exhibit 411-4](#) – SEPA Adoption of Existing Environmental Document for a DNS or DS.

[Exhibit 411-5](#) – Public Notice and DNS (SEPA).

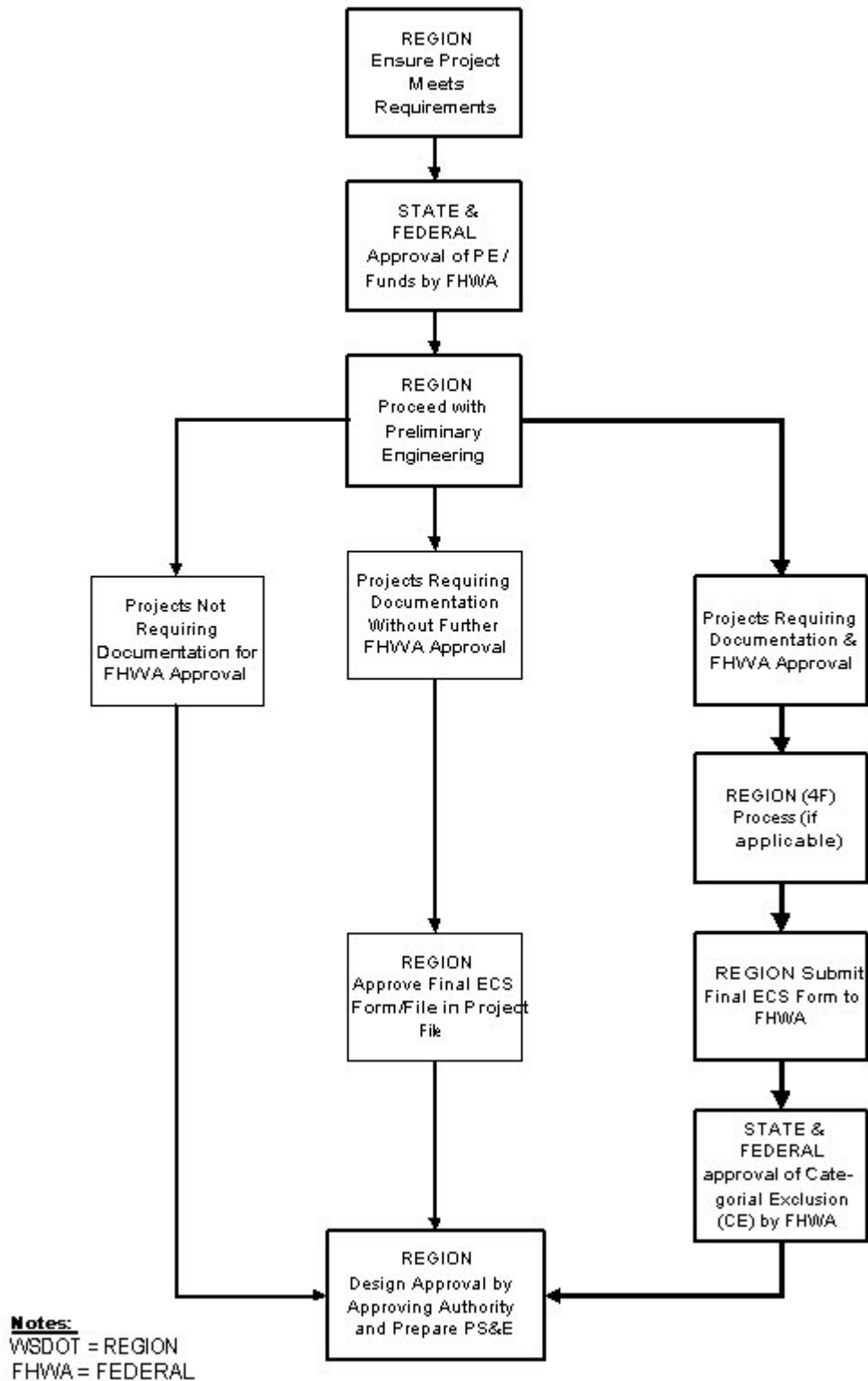
[Exhibit 411-6](#) – Sample Notice of Action Taken by WSDOT (SEPA).

[Exhibit 411-7](#) – Template for Coordinated Review of Discipline Reports.

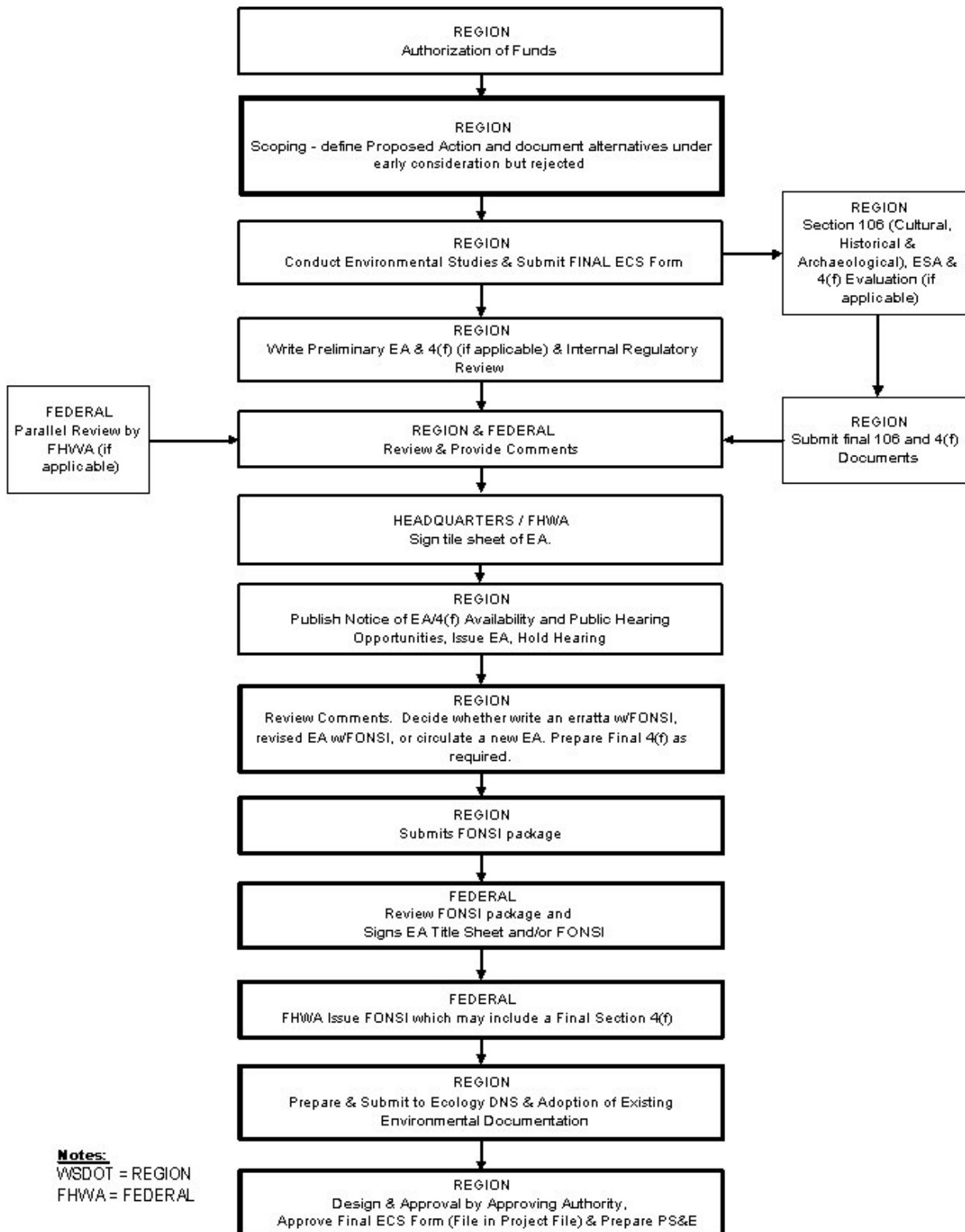
[Exhibit 411-8](#) – Sample Environmental Reevaluation/Consultation Form.

# NEPA/SEPA Process Flowcharts

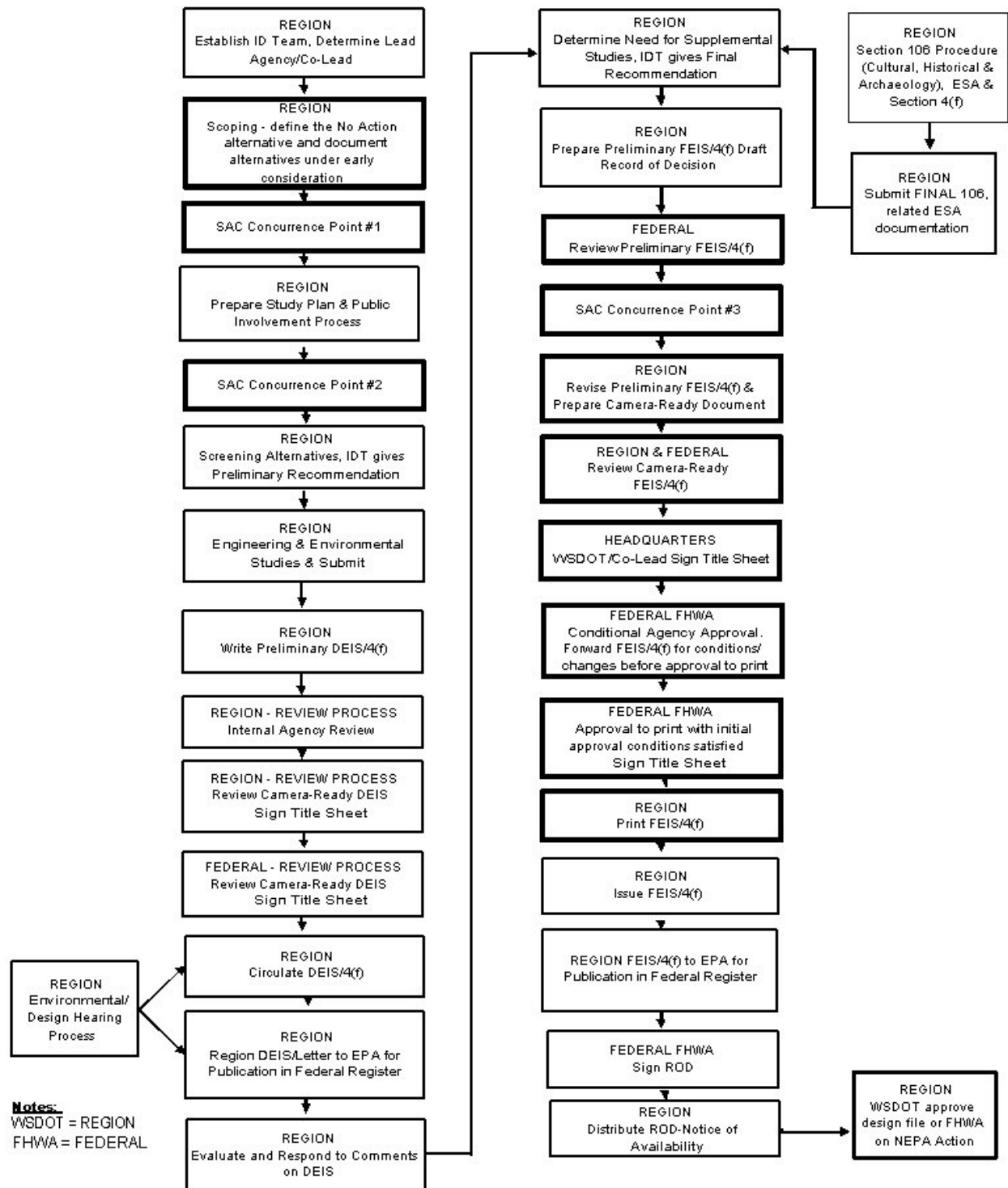
## (a) Class II Projects Categorical Exclusions No Probable Significant Adverse Impact



**(b) Class III Projects  
Environmental Assessment Required  
Significance of Impact Unknown**



**(c) Class I Projects**  
**Environmental Impact Statement Required**  
**Significant Adverse Impacts**



# ***Protocol for WSDOT Approval of Environmental Documentation***

---

**May 2005**

## **Introduction**

These instructions are provided on the process for obtaining Formal Signature Approval from the Director of Environmental Services for the following documents.

- NEPA EA
- NEPA or SEPA DEIS
- NEPA or SEPA FEIS
- NEPA or SEPA Supplemental DEIS or FEIS

Included are 4(f) and Environmental Justice documentation. The Formal Signature Approval process is outlined below. These instructions include both the Pre Briefing and Formal Signature Briefing.

## **Steps to Obtain Approval**

### **1. Establish Environmental Services NEA Contact Person**

Each NEPA EA and SEPA or NEPA EIS is assigned a contact person in the Compliance Branch of the Environmental Services Office (referred to as “NEPA Contact”). Your NEPA Contact will assist you completing the steps to obtain approval

### **2. Schedule Pre-Briefing and Formal Signature Briefing with Environmental Performance Program Point of Contact**

Schedule the Pre-Briefing and Formal Signature Briefing with your NEPA Contact. (See attachment No. 1)

### **3. Obtain needed local government document signatures**

Prior to requesting approval by the Director of Environmental Services the project must obtain any required local agency signature approval of the document.

### **4. Produce “camera ready” final document**

A final camera-ready document is needed for the Pre-Briefing and Formal Signature briefing to occur.

## **Pre-Briefing**

### **5. Pre-Briefing**

A Pre-Briefing briefing is required with your NEPA Contact (POC). The intent of the Pre-Briefing is to ensure all necessary information will be available and presented at the Formal Signature Briefing. This will help ensure a successful Formal Signature Briefing.

**When should the Pre-Briefing occur?**

The Pre-Briefing should occur 2-4 weeks prior to the Formal Signature Briefing. This will allow time for any necessary document modifications. The Pre-Briefing should be considered a “dry run” of the Formal Signature Briefing.

**What materials should the Pre-Briefing include?**

The Pre-Briefing meeting will focus on the document itself. The document needs to be “camera-ready” (i.e. have all graphics and text in the final format ready for printing and release to the public). Do not use maps, charts, or graphs that will not be available to the general public. We will primarily work from the environmental document at this briefing. It is helpful to tab document pages that will be referred to at this briefing.

**Who should attend the Pre-Briefing?**

- Necessary Region/Modal project staff and consultants
- Highways and Local Programs representative for local projects
- Environmental Services NEPA Contact

**How much time should we plan for?**

Meeting time for the Pre-Briefing will vary depending on the complexity of the project. A minimum of 90 minutes is normally required. More time may be required for complex or controversial projects.

**Pre-Briefing meeting agenda**

Please see Attachment 2 to this paper for the standard Pre-Briefing agenda that needs to be followed.

### **6. Make any changes identified as being needed at the Pre-Briefing**

The project schedule should provide adequate time between the Pre-Briefing and the Formal Signature Briefing to make any needed document changes identified at the Pre-Briefing.

## **Formal Signature Briefing**

### **7. Formal Signature Briefing**

How much time should we plan for?

Meeting time for the Formal Signature Briefing will vary depending on the complexity of the project. A minimum of 90 minutes is normally required for each briefing. More time may be required for complex or controversial projects.

What materials should the Formal Signature Briefing include?

The Formal Signature Briefing will focus on the document itself. The document needs to be “camera-ready” (i.e. have all graphics and text in the final format ready for printing and release to the public). We will primarily work from the environmental document at this briefing. Do not use only maps, charts, or graphs that are not available to the general public. It is helpful to tab the document pages that will be referred to at this briefing.

Who should attend?

- Necessary project staff and consultants to conduct the briefing
- Environmental Services NEPA Contact
- A Highways and Local Programs representative for local projects
- Director of WSDOT Environmental Services

Meeting Materials

Two copies of the environmental document and briefing agenda should be provided to the NEPA Contact at least three days prior to the Formal Signature Briefing. Also, bring enough copies of the document for all briefing attendees to follow and participate in the briefing discussion.

Formal Signature Briefing Meeting Agenda

Please see Attachment 2 to this paper for the standard Formal Signature Briefing agenda that needs to be followed.

### **8. Make any changes identified as being needed at the Formal Signature Briefing**

The project schedule should provide adequate time between the Formal Signature Briefing and public distribution of the document to make any needed document changes identified during the Formal Signature Briefing.

### **9. Obtain Federal Highway Administration Signature Approval**

Final signature approval of the document is obtained from the FHWA Division Office after the Director of Environmental Services approves the document.

### **10. Distribute document to public and agencies**

## Attachment Number 1

NEPA Contact	Area of Responsibility
Carol Lee Roalkvam 360-705-7126	Environmental Policy
Environmental Performance Program Manager Tony Warfield 360-705-7492	Supervise Program Staff
Ernie Combs 360) 705-7498	NW and Olympic Region and H&LP in those regions. Also, Snoqualmie Pass East Project
Phil KauzLoric 360-705-7486	Urban Corridors Projects and other “Mega” projects and Southwest Region including H&LP and Ferries
Steve Yach 509-324-6132	All Eastern, North Central and South Central Regions and H&LP projects in those regions
Kathleen McKinney 360-705-7304	Statewide – NEPA Policy, Human Environment, Environmental Justice, and Social



## **Attachment Number 2**

### **Standard Briefing Agenda for both the Pre-Briefing and Formal Signature Briefings**

#### **1. Executive Summary**

- Project Summary including alternatives
- Summary of environmental review process
- Public involvement summary
- Tribal Coordination Steps
- Significant environmental impact/mitigation issues
- Environmental Documentation Cost
- Environmental Commitments
- Any other significant or controversial issues

The seven items above in the Executive Summary portion of the agenda should be reviewed in about 3 to 5 minutes each, and focus on identifying just the main points associated with each topic.

#### **2. Detailed Environmental Review**

Review each environmental element in the document and discuss impacts and mitigation.

Discussion will be brief where issues are straightforward and more detailed commensurate with the importance or significance of the particular issue.

Address the following specific issues

The following issues will need to be specifically addressed at both the Pre-Briefing and the Formal Signature Briefing:

- All project commitments to mitigation measures shall be specifically identified in the document including: (a) who will oversee follow-through, and (b) likelihood of the commitments being implemented. These commitments also need to be specifically identified in the environmental document in one location. We recommend a bulleted list on a separate page or appendix.
- Project environmental benefits (i.e. stormwater retrofit, habitat enhancements, air quality improvements, etc.) should be clearly identified as positive environmental outcomes incorporated into the project.
- Project specific environmental compliance issues should be summarized (e.g. endangered species, hazardous materials, stormwater, areas of controversy, etc.).
- The project should comply with the current Highway Runoff Manual.
- For final EISs, explain how the project and document have changed based upon the comments received in the public review process.

#### **3. Formal Signature Briefing Wrap Up**

Upon approval, the Director of Environmental Services will sign three copies of the title page for the document. Any actions or document revisions that are identified as being needed during the briefing will be documented. If major issues remain to be resolved the project proponent will take the necessary steps to modify the document, as needed, and reschedule a final Formal Signature Briefing.

# ***Environmental Assessment Outline***

---

## **PREFACE**

This outline<sup>1</sup> is provided for the guidance of preparers and reviewers of Environmental Assessments (EAs). It is intended to ensure that EAs are complete and in compliance with National Environmental Policy Act (NEPA) regulations 40 CFR 1500 to 1508, and Federal Highway Administration (FHWA) regulations and guidelines set forth at 23 CFR 771, and in Technical Advisory T 6640.8A.

An environmental assessment must be prepared for all actions involving Federal funds and/or approvals which do not qualify as a categorical exclusion and do not clearly require an environmental impact statement (EIS). The purpose of an EA is twofold. First, an EA should resolve any uncertainty as to whether an EIS is needed. Should the need for an EIS become evident at any time during the EA process, one should be started. The second purpose of an EA is to provide sufficient information to serve as the record for all environmental approvals and consultations required by law.

If an EIS is not required, the EA is made available to resource agencies and the public for a 30-day review and comment period. Following public availability period, an erratum is written, or the EA is revised, or a supplemental EA is prepared, as appropriate, to (1) describe changes to the proposed action or mitigation resulting from comments received on the EA or at the public hearing, if one is held; (2) include any necessary findings, agreements, or determinations (e.g., wetlands, Section 106, etc.); and (3) include a copy of pertinent comments received on the EA and the agency's responses to the comments. This supplemental EA is then submitted to FHWA along with a copy of the public hearing transcript (if one is held), and a request for a finding of no significant impact (FONSI). If FHWA concurs with the finding, the EA process is completed with a determination that the action will have no significant impact to the environment (the FONSI), issued by FHWA.

This EA outline is designed to be a guide. It should not be viewed as an inflexible format for every EA. Although the regulations do not set page limits, the Council on Environmental Quality recommends that the length of EAs usually be less than 15 pages. *To minimize volume, an EA should use good quality maps and exhibits.* Background data and technical reports should be incorporated by references and summarized to support concise discussions of the alternatives and their impacts.

FHWA no longer requires use of metric units in addition to English (see [Section 411.02\(4\)](#)).

ASTM E 380-92 is recommended as a source of information on metric conversion. The metric unit should come first, followed by the English unit in parenthesis, as shown on the following page.

Include the following items on a separate page, immediately following the title page of the document:

- ADA Disabilities Notice
- Civil Rights Notice
- Note on metric usage (if applicable)

---

<sup>1</sup> Source: WSDOT Project Development Office, July 1988.



Persons with disabilities may request this information be prepared and supplied in alternate forms by calling the WSDOT ADA Accommodation Hotline collect 206-389-2839. Persons with vision or hearing impairments may access the WA State Telecommunications Relay Service at TT 1-800-833-6388, Tele-Braille 1-800-833-6385, or Voice 1-800-833-6384, and ask to be connected to 360-705-7097.

“Washington State Department of Transportation (WSDOT) hereby gives public notice that it is the policy of the department to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898, and the related statutes and regulations in all programs and activities. Title VI requires that no person in the United States of America shall, on the grounds of race, color, sex, or national origin, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which WSDOT receives federal financial assistance.”

Where metric measurements are used in this document, the metric unit is given first, followed by the English unit in parenthesis; for example: “The HOV lane is separated from adjacent lanes by a designated buffer width of 0.6 to 1.2 m (2 to 4 ft).”

## **ENVIRONMENTAL ASSESSMENT OUTLINE CONTENTS**

	<b>Page</b>
Cover Sheet.....	4
Table of Contents .....	4
Description of Proposed Action .....	4
Purpose of and Need for the Action .....	5
Alternatives to the Proposed Action.....	5
Impacts of the Proposed Action.....	5
Comments and Coordination.....	6
Appendices.....	6
Section 4(f) Evaluation .....	7
Environmental Commitment List .....	7
Examples:	
EA Cover Sheet .....	8
Elements Not Affected by Proposal.....	9
Potential Impacts of Proposal.....	10

## COVER SHEET

There is no required format for an EA cover sheet.

## TABLE OF CONTENTS

- A. Include all sections as well as a list, if possible, of any documents which are appended, adopted, or serve as technical reports for the EA.
- B. Include a list of all maps, illustrations, and figures.

## DESCRIPTION OF THE PROPOSED ACTION

Describe the proposed action. If more than one alternative is being considered, describe each alternative. Include maps, illustrations, exhibits, etc.

Be careful to include sufficient design data to allow an accurate assessment of impacts without committing to specific details which are subject to refinement or change. Lane and shoulder widths, median widths, etc., may be omitted or expressed as a variable if not definitely known. For example, *“The proposed project would provide two lanes in each direction with a continuous, center, two-way left turn lanes. Including shoulders, the total roadway width would be 76 feet”*; or *“The proposed project would widen the existing roadway to two 12-foot lanes with 8 to 10 foot paved shoulders.”* Do not assume that proposed design deviations will be approved at a future date.

- A. Location, length, termini, and why the termini are logical.
- B. Major design features (brief description, not a complete design report).
  - 1. Number of lanes, tracks, or runways
  - 2. Median type/ function.
  - 3. Pavement or construction type.
  - 4. Typical cross-section(s).
  - 5. Provisions for mass transit.
  - 6. Provisions for high occupancy vehicles.
  - 7. Interchange and/or structural locations.
    - a. Interchanges.
    - b. Grade separations.
    - c. At-grade intersections.
    - d. Railroad crossings.
    - e. River crossings.
    - f. Pedestrian, bicycle, or equestrian crossings.
  - 8. Right of way acquisition requirements. (Identify whether additional right of way will or will not be required. Specific right of way acquisition impacts are discussed under impacts elsewhere in the EA.)
  - 9. Illumination.
  - 10. Pedestrian and bicycle facilities.
  - 11. Displacement of utilities.
  - 12. Estimated cost and construction schedule.
  - 13. Identify permits needed, including name of permitting agency.

## **PURPOSE OF AND NEED FOR ACTION**

Identify and describe the transportation problem(s) which the proposed action is designed to address and how the problem will be resolved. The following is a list of items which may assist in clearly demonstrating the need for the action. All of the items are not applicable in every situation.

- A. Transportation Demand and Capacity Needs. Is the present facility inadequate for existing traffic? Will the proposed action alleviate traffic congestion? Include relationship to any regional, state, or local plans or urban transportation plan.
- B. Safety Needs. Are existing accident rates excessively high? How will the proposed action decrease the accident rate? (Include quantitative accident figures before and predicted rate after construction.) Is the proposed action necessary to correct an undesirable situation?
- C. System continuity. Is the proposed action necessary to complete a gap in the existing transportation system?
- D. Structural Needs. Is the proposed action needed to improve the structural condition of the existing facility?
- E. Social Service Demands or Economic Development Needs. What projected economic development/land use changes indicate the need to improve or add to the highway capacity? Consider new employment, schools, land use plans, recreation, etc.
- F. Environmental Impact Mitigation Needs. Is the proposed action designed to mitigate impacts caused by a related project?
- G. Modal Interrelationship Needs. How will the proposed action interface with air, rail, and/or port facilities, mass transit services, etc.?
- H. Legislative Mandate. Is there a Federal, state, or local governmental mandate for action?

## **ALTERNATIVES TO THE PROPOSED ACTION**

Discuss alternatives to the proposed action, including the “no-action” alternative. Reasons for elimination of alternatives should be included.

## **IMPACTS OF THE PROPOSED ACTION**

The primary purpose of an EA is to help the agency and the FHWA decide whether or not an EIS is needed. Therefore, the EA should address only those resources or features which the agency and the FHWA decide will have a likelihood for being significantly affected. Impact areas which do not have a reasonable possibility for individual or cumulative significant environmental impacts need not be discussed. However, if it would be unclear to a layman why an impact area is unaffected, the EA should briefly explain why there is no effect. The EA should list those elements of the environment which will not be significantly affected.

Discuss any social, economic, and environmental impacts that would be caused by the proposed action, or by each alternative if more than one proposal is under consideration, whose significance is uncertain. The level of analysis should be sufficient to adequately identify the impacts and appropriate mitigation measures, and to address known to foreseeable public and agency concerns. Discuss why these impacts are not considered significant.

For each element analyzed, include the following information:

- A. Studies performed and coordination conducted.
- B. Affected environment. The description of the affected environment shall be no longer that is necessary to understand the effects of the proposed action.
- C. Impacts of the proposed action during construction.
- D. Impacts of the proposed action during operation.
- E. Mitigation measures, commitments, and monitoring procedures.

F. Why the impacts are not considered significant.

The following areas should be identified or addressed in the document as not affected, or as not being significantly affected, by the project.

- Land use
- Farmland
- Community Distribution
- Right of Way Acquisition and Displacement
- Economics
- Pedestrians/Bicyclists
- Air Quality
- Noise
- Water Quality
- Wetlands
- Fish and Wildlife
- Floodplain
- Ecologically Sensitive Areas
- Wild and Scenic Rivers
- Coastal Barriers
- Coastal Zone Impacts
- Threatened or Endangered Species
- Historic Archaeological Preservation
- Hazardous Waste
- Asbestos
- Visual Quality
- Energy Conservation
- Construction Activity Impacts
- Secondary and Cumulative Impacts
- Irreversible and Irretrievable Commitment of Resources
- Relationship of Short-term Uses of Environment and Long-term Productivity
- Socioeconomic and Environmental Justice

## **COMMENTS AND COORDINATION**

Describe all early and continuing coordination and public involvement efforts, and summarize the key issues and pertinent information received from government agencies and the public. Include a list of agencies and, as appropriate, members of the public consulted.

## **APPENDICES (if any)**

The appendices should include only information that substantiates an analysis important to the EA (e.g., a biological assessment for threatened or endangered species). Other material should be referenced only (i.e., identify the material and briefly describe its contents).

## SECTION 4(f) EVALUATION (if any)

If the EA includes a Section 4(f) evaluation, the EA/draft Section 4(f) evaluation must be circulated to the appropriate agencies for Section 4(f) coordination (23 CFR 771.135 (i)). The revised EA or EA Errata/final Section 4(f) evaluation would then be required to specifically address: (1) the reason(s) why the alternatives to the proposed action that would avoid each Section 4(f) property are not feasible and prudent; and, (2) all measures which will be taken to minimize harm to each Section 4(f) property.

If a revised EA or EA *errata* is not required, the final Section 4(f) property evaluation discussion of avoidance alternatives and mitigating measures will be included in the FONSI.

Refer to [Section 455.05](#) for specific guidance on preparing or reviewing Section 4(f) evaluations.

## ENVIRONMENTAL COMMITMENT LIST

A list of environmental commitments (if any) should be developed in conjunction with the preparation of an EA. Refer to [Chapter 490](#) for guidance on the preparation, timing, circulation, and tracking of commitments.



# ***SEPA Adoption of Existing Environmental Document for a DNS or DS***

## **DETERMINATION OF NONSIGNIFICANCE (SEPA) AND ADOPTION OF EXISTING ENVIRONMENTAL DOCUMENT**

Description of current proposal \_\_\_\_\_

\_\_\_\_\_

Proponent \_\_\_\_\_

Location of current proposal \_\_\_\_\_

\_\_\_\_\_

Title of document being adopted \_\_\_\_\_

Agency that prepared document being adopted \_\_\_\_\_

Date adopted document was prepared \_\_\_\_\_

Description of document (or portion) being adopted \_\_\_\_\_

\_\_\_\_\_

If the document being adopted been changed (WAC197-11-630), please describe:

\_\_\_\_\_

The document is available to be read at (place/time) \_\_\_\_\_

\_\_\_\_\_

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

☐

There is no comment period for this DNS.

☒

This DNS is issued under WAC 197-11-340(2); the lead agency will not act on the proposal for 14 days from the date below. Comments must be submitted by

\_\_\_\_\_.

We have identified and adopted this document as being appropriate for this proposal after independent review. The document meets our environmental review needs for the current proposal and will accompany the proposal to the decision-maker.

Name of agency adopting document \_\_\_\_\_

Contact person, if other than responsible official \_\_\_\_\_ Phone \_\_\_\_\_

Responsible official \_\_\_\_\_

Position/title \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_ Signature \_\_\_\_\_

ECY 050-46(b) (Rev. 4/98)

**DETERMINATION OF SIGNIFICANCE (SEPA)  
AND ADOPTION OF EXISTING ENVIRONMENTAL DOCUMENT**

Description of current proposal \_\_\_\_\_

\_\_\_\_\_

Proponent \_\_\_\_\_

Location of current proposal \_\_\_\_\_

\_\_\_\_\_

Title of document being adopted \_\_\_\_\_

Agency that prepared document being adopted \_\_\_\_\_

Date adopted document was prepared \_\_\_\_\_

Description of document (or portion) being adopted \_\_\_\_\_

\_\_\_\_\_

If the document being adopted been changed (WAC197-11-630), please describe:

\_\_\_\_\_

The document is available to be read at (place/time) \_\_\_\_\_

\_\_\_\_\_

EIS REQUIRED. The lead agency has determined this proposal is likely to have a significant adverse impact on the environment. To meet the requirements of RCW 43.21C.030(2)(c), the lead agency is adopting the document described above. Under WAC 197-11-630, there will be no scoping process for this EIS.

We have identified and adopted this document as being appropriate for this proposal after independent review. The document meets our environmental review needs for the current proposal and will accompany the proposal to the decision-maker.

Name of agency adopting document \_\_\_\_\_

Contact person, if other than responsible official \_\_\_\_\_ Phone \_\_\_\_\_

Responsible official \_\_\_\_\_

Position/title \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_ Signature \_\_\_\_\_

ECY 050-46(a) (Rev. 4/98)

## ***Public Notice and DNS (SEPA)***

---

### **NOTICE OF DETERMINATION OF NONSIGNIFICANCE**

*(Agency name)* issued a determination of non-significance (DNS) under the State Environmental Policy Act Rules (Chapter 197-11 WAC) for the following project: *(project description and location)* proposed by *(applicant's name)*. After review of a completed environmental checklist and other information on file with the agency, *(agency name)* has determined this proposal will not have a probable significant adverse impact on the environment.

Copies on the DNS are available at no charge from *(name)*, *(address)*. The public is invited to comment on this DNS by submitting written comments no later than *(date)* to *(name)* at the above address.

***(NOTE: Whenever possible, combine the public notice for DNS comment period with the public notice for any comment period and/or public hearing held on the permit or license.***

## DETERMINATION OF NON-SIGNIFICANCE (DNS)

### Description of proposal:

**Proponent:** Washington State Department of Transportation

**Location of proposal, including street address, if any:**

**Lead Agency:** Washington State Department of Transportation

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed Environmental Checklist and other information on file with the lead agency. This information is available to the public on request.

☐

There is no comment period for this DNS.

☒

This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by XXXXXXXXXXXX, 2001.

**Responsible Official:** XXXXXXXXXXXXXXXXXXXXXXXX

**Position/Title:** Regional Environmental Manager

**Address:** XXXXXXXXXXXXXXXXXXXXXXXX

**Phone:** XXXXXXXXXXXXXXXX

**Date:** \_\_\_\_\_ **Signature:** \_\_\_\_\_

## ***Sample Notice of Action Taken by WSDOT (SEPA)***

---

Notice is given under SEPA, RCW 43.21C.080, that the Washington State Department of Transportation took the action described in (2) below on (insert date), following a 21-day appeal period.

1. Any action to set aside, enjoin, review, or otherwise challenge such action on the grounds of noncompliance with the provisions of Chapter 43.21C RCW (State Environmental Policy Act) shall be commenced on or before July 5, 1989.
2. Description of Agency Action: Design Approval of the project entitled;  
  
SR 20 Brown Road to Jones Creek, by the Washington State Department of Transportation.
3. Description of Proposal:  
  
The project would widen and reduce the curvature of 6.8 miles of highway on essentially the same alignment.
4. Location of Proposal:  
  
In Washington County on SR 20 between MP 185.56 and MP 192.37.
5. Type of Environmental Review under SEPA: Final Environmental Impact Statement entitled:  
  
SR 20 Brown Road to Jones Creek. Approved by the WSDOT on (insert date) and by FHWA on (insert date). Issued by the WSDOT on (insert date). Adopted for SEPA on (insert date). Documents may be examined during regular business hours at: (insert office name, address, phone and project web site (if available)).
6. Name of Agency Giving Notice:  
  
Washington State Department of Transportation.
7. This notice is filed by:-----

(Name)  
Regional Environmental Manager

-----  
Date

## Template for Coordinated Review of Discipline Reports

<b>“Project name”</b>	<b>“Document Name”</b> (e.g. DEIS) <b>“Date of Document”</b>	<b>“Reviewer name”</b> <b>“Agency”</b> <b>“Date Submitted”</b>	<b><u>“Priority” Column:</u></b> 1 Comment must be addressed. 2 Comment does not constitute a “fatal flaw”, but revisions are needed to improve the completeness of information and readability. 3 Comment represents typographical or grammatical errors. (These categories may be revised by the IDT.)
-----------------------	---	--	--

Page	Paragraph or line number	COMMENT	Priority	Response (How was the comment addressed?)

# **Sample Environmental Reevaluation/Consultation Form**

**23 CFR §771.129**

## **Washington State Department of Transportation/Federal Highway Administration**

REGION/DIVISION	SR	PROJECT PROGRAM#	FEDERAL AID #	PROJECT#
-----------------	----	------------------	---------------	----------

PROJECT TITLE, ENVIRONMENTAL DOCUMENT TYPE & DATE APPROVED

---

REASON FOR CONSULTATION

---

DESCRIPTION OF CHANGED CONDITIONS

HAVE ANY NEW OR REVISED LAWS OR REGULATIONS BEEN ISSUED SINCE APPROVAL OF THE LAST ENVIRONMENTAL DOCUMENT THAT AFFECTS THIS PROJECTS? YES ( ) NO ( ) (If yes explain, use additional sheets if necessary)

---

WILL THE CHANGED CONDITIONS AFFECT THE FOLLOWING DIFFERENTLY THAT DESCRIBED IN THE ORIGINAL ENVIRONMENTAL DOCUMENT. (If yes, attach a detailed summary addressing the impacts and mitigation)

	<u>YES</u>	<u>NO</u>		<u>YES</u>	<u>NO</u>
1) THREATENED or ENDANGERED SPECIES	( )	( )	5) HAZARDOUS WASTE SITES	( )	( )
2) PRIME and UNIQUE FARMLAND	( )	( )	6) HISTORIC or ARCHAEOLOGICAL SITES	( )	( )
3) WETLANDS	( )	( )	7) 4 (f) LANDS	( )	( )
4) FLOODPLAINS	( )	( )	8) 6 (f) LANDS	( )	( )

---

WILL THESE CHANGES RESULT IN ANY CONTROVERSY? YES ( ) NO ( ) (If yes explain)

WILL THESE CHANGES CAUSE ADVERSE IMPACTS IN THE FOLLOWING AREAS:  
(If yes address comments below)

	YES	NO		YES	NO
1) AIR QUALITY	( )	( )	7) WATER QUALITY	( )	( )
2) NOISE	( )	( )	8) VISUAL QUALITY	( )	( )
3) LAND USE	( )	( )	9) NATURAL RESOURCES and ENERGY	( )	( )
4) TRAFFIC or TRANSPORTATION	( )	( )	10) PUBLIC SERVICES and UTILITIES	( )	( )
5) DISPLACEMENT (business or residence)	( )	( )	11) VEGETATION and WILDLIFE	( )	( )
6) ECONOMIC GROWTH and DEVELOPMENT	( )	( )	12) RECREATION	( )	( )
			13) SOCIAL IMPACTS	( )	( )

---

COMMENTS

---

CONCLUSIONS and/ or RECOMMENDATIONS 1

---

I concur with the conclusions and recommendations above

District/ Division Official

WSDOT HQ Official

FHWA Official

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_